



LOCAL ENFORCING AGENCY, DISTRICT NO. 1
418 SCHOOL STREET, WOODBRIDGE N.J. 07095
BUSINESS 732-602-6050 FAX 732-602-6043
FIRE • POLICE • MEDICAL
EMERGENCIES
DIAL 9-1-1

Registration No.: 1225-66629-001-01
Municipality: Woodbridge Township
County: Middlesex County
Inspector: Delisi/Mastanduno
Inspected: 09/19/2006
Page: 1

Integrated Industries Inc. (Garden State Chasis)
1 Pennal Road
PO BOX 868
Woodbridge, NJ 07095

NOTICE OF VIOLATIONS and ORDER TO CORRECT

Misses: Integrated Industries Inc. (Garden State Chasis)
Address: 1 Pennal Road PO BOX 868, Woodbridge, NJ 07095
Phone: 732-283-1910
Type of use: BE02 BG10

AGENT

TENANT/OPERATOR

OWNER
EE CRUZ

732-946-9700

YOU ARE HEREBY NOTIFIED THAT an inspection by the Fire Prevention Bureau disclosed violations of the Uniform Fire Code (N.J.A.C. 5:70-1 et. seq.) promulgated pursuant to the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et. seq.). The violations are specified on the accompanying "Violations Report" page(s). YOU ARE HEREBY ORDERED BY THE FIRE OFFICIAL to correct the violations listed on the accompanying "Violations Report" page(s) within the time, or by the date specified. If a reinspection discloses that violations have not been corrected, and an extension has NOT been requested and granted, you will be subject to penalties of up to \$5,000 per violation per day or as otherwise authorized by the Act and Department Regulations. IN ADDITION, the ACT imposes liability on the owner for the actual costs of fire suppression where a violation directly or indirectly results in fire.

If you do not understand this order, need assistance, or desire further information, please call the Fire Prevention Bureau at (732) 602-6050

BY: *[Signature]*
Lt. Bryan D. Delisi
Fire Official

APPEAL RIGHTS-EXTENSIONS

See the attached page of information concerning your administrative appeal rights, authorized penalties and the procedure for requesting an extension of time in which to correct violations.

Signature of Owner or Representative

Printed Name of Owner or Representative

Date

www.woodbridgfireprevention.org

al ID: 1185

te ID: 1225-66629-001-01

Registered: 06/27/1996
Premises phone: 732-283-1910

Integrated Industries Inc. (Garden State Chassis)

1 Pennval Road
PO BOX 868
Woodbridge, NJ 07095

lding Owner:

EE CRUZ

Phone: 732-946-9700

Fed. ID:

iness Owner:

Phone:

Fed. ID:

cg. Contacts: #1: PATRICK PICAZIO

Phone: 732-572-4154

#2: JOHN PATTERSON

Phone: 732-634-6143

#3: ANGELO AVELLA

Phone: 718-983-5716

nt:

Phone:

of inspection: 09/19/2006 (report number: 33)
e of occupancy: BE02: BG10
ected by: Delist/Mastanduno
of inspection

----- Violations -----

ation: Use of extension cord prohibited
e section: N.J.A.C. 5:70-3.1(a)3, F-310.5
tion: Tire shop

ation: Use of extension cord prohibited
e section: N.J.A.C. 5:70-3.1(a)3, F-310.5
tion: Tire ship (refrigerator)

ation: All drums must have proper label
e section: N.J.A.C. 5:70-3.1(a)23, F-2308.1
tion: Tire shop

ation: Flammable liquids must be stored in flammable
e section: N.J.A.C. 5:70-3.1(a)23, F-2306.1
tion: Tire shop

ation: Cylinders must be secured
e section: N.J.A.C. 5:70-3.1(a)27, F-2703.4
tion: Tire shop

ation: Secure open wiring on light fixture
e section: N.J.A.C. 5:70-3.1(a)3, F-310.6
tion: Tire shop

Status: U
Abate by: 10/13/2006

Status: U
Abate by: 10/13/2006

Status: U
Abate by: 10/13/2006

Status: U
Abate by: 10/13/2006

Status: U
Abate by: 10/13/2006

Status: U
Abate by: 10/13/2006

Location	Section	Description	Status	Abate by
Location: Tire shop	Section: N.J.A.C. 5:70-3.2(a)5, F-519.2		Status: U	Abate by: 10/13/2006
Location: Non combustible ashtrays or receptacles required	Section: N.J.A.C. 5:70-3.1(a)3, F-312.6		Status: U	Abate by: 10/13/2006
Location: Outside trucking trailer	Section: N.J.A.C. 5:70-3.1(a)3, F-310.4		Status: U	Abate by: 10/13/2006
Location: Use of multiplying adaptor prohibited	Section: N.J.A.C. 5:70-3.1(a)3, F-310.4		Status: U	Abate by: 10/13/2006
Location: Dispatch center (coffee pot)	Section: N.J.A.C. 5:70-3.1(a)3, F-310.4		Status: U	Abate by: 10/13/2006
Location: Use of multiplying adaptor prohibited	Section: N.J.A.C. 5:70-3.1(a)3, F-310.4		Status: U	Abate by: 10/13/2006
Location: Dispatch center (near AC)	Section: N.J.A.C. 5:70-3.1(a)3, F-310.4		Status: U	Abate by: 10/13/2006
Location: Use of multiplying adaptor prohibited	Section: N.J.A.C. 5:70-3.1(a)3, F-310.4		Status: U	Abate by: 10/13/2006
Location: Dispatch center (2nd AC)	Section: N.J.A.C. 5:70-3.1(a)3, F-310.4		Status: U	Abate by: 10/13/2006
Location: No storage permitted under egress stairwell	Section: N.J.A.C. 5:70-3.2(a)6, F-606.1.1		Status: U	Abate by: 10/13/2006
Location: Computer room	Section: N.J.A.C. 5:70-3.2(a)6, F-606.1.1		Status: U	Abate by: 10/13/2006
Location: All exit signs are out on battery back-up	Section: N.J.A.C. 5:70-3.2(a)6, F-610.2		Status: U	Abate by: 10/13/2006
Location: Main building 1st flr.	Section: N.J.A.C. 5:70-3.2(a)3, F-308.1		Status: U	Abate by: 10/13/2006
Location: Provide furnace inspection report	Section: N.J.A.C. 5:70-3.2(a)3, F-308.1		Status: U	Abate by: 10/13/2006
Location: Main building 1st flr.	Section: N.J.A.C. 5:70-3.2(a)3, F-308.1		Status: U	Abate by: 10/13/2006
Location: Provide furnace inspection report	Section: N.J.A.C. 5:70-3.2(a)3, F-308.1		Status: U	Abate by: 10/13/2006
Location: Main building 2nd flr.	Section: N.J.A.C. 5:70-3.2(a)3, F-308.1		Status: U	Abate by: 10/13/2006
Location: Lighting required in furnace room	Section: N.J.A.C. 5:70-3.1(a)3, F-310.2		Status: U	Abate by: 10/13/2006
Location: Main building 1st flr. furnace room	Section: N.J.A.C. 5:70-3.1(a)3, F-310.2		Status: U	Abate by: 10/13/2006
Location: Replace empty fire extinguisher on cart	Section: N.J.A.C. 5:70-3.1(a)22, F-2204.3		Status: A	Abate by: ABATED
Location: Use of extension cord prohibited	Section: N.J.A.C. 5:70-3.1(a)3, F-310.5		Status: U	Abate by: 10/13/2006
Location: Axle room	Section: N.J.A.C. 5:70-3.1(a)21, F-2101.4		Status: U	Abate by: 10/13/2006
Location: Clean up debris	Section: N.J.A.C. 5:70-3.1(a)3, F-303.4.2		Status: U	Abate by: 10/13/2006
Location: Self closure not maintained on exit door	Section: N.J.A.C. 5:70-3.1(a)23, F-2308.1		Status: U	Abate by: 10/13/2006
Location: Axle room	Section: N.J.A.C. 5:70-3.1(a)23, F-2308.1		Status: U	Abate by: 10/13/2006
Location: All containers must have proper labeling	Section: N.J.A.C. 5:70-3.1(a)23, F-2308.1		Status: U	Abate by: 10/13/2006

unsecure metallic piping on sprinkler pipe	section: N.J.A.C. 5:70-3.2(a)5, F-506.1	status: U	Abate by: 10/13/2006
Storage of propane tank inside building is prohibited	section: N.J.A.C. 5:70-3.1(a)36, F-3606.1	status: A	Abate by: ABATED
Self closure required on exit door	section: N.J.A.C. 5:70-3.1(a)3, F-303.4.2	status: U	Abate by: 10/13/2006
All containers must have proper labeling	section: N.J.A.C. 5:70-3.1(a)23, F-2308.1	status: U	Abate by: 10/13/2006
Secure open wiring on light fixture	section: N.J.A.C. 5:70-3.1(a)3, F-310.6	status: U	Abate by: 10/13/2006
Secure electrical outlet	section: N.J.A.C. 5:70-3.1(a)3, F-310.6	status: U	Abate by: 10/13/2006
Secre all oil and flammable liquids, into flammable liquid storage cabinet	section: N.J.A.C. 5:70-3.1(a)23, F-2306.1	status: U	Abate by: 10/13/2006
Exit door blocked	section: N.J.A.C. 5:70-3.1(a)6, F-605.1	status: A	Abate by: ABATED
Self closure required on exit door	section: N.J.A.C. 5:70-3.1(a)3, F-303.4.2	status: U	Abate by: 10/13/2006
Fab shop near metal cutter	section: N.J.A.C. 5:70-3.1(a)3, F-310.6	status: U	Abate by: 10/13/2006
Secure open wiring	section: N.J.A.C. 5:70-3.1(a)3, F-310.6	status: U	Abate by: 10/13/2006
Exit must be kept clear at all times	section: N.J.A.C. 5:70-3.1(a)6, F-605.1	status: U	Abate by: 10/13/2006
Fab shop near sprinkler room	section: N.J.A.C. 5:70-3.1(a)3, F-303.4.2	status: U	Abate by: 10/13/2006
Self closure required on exit door	section: N.J.A.C. 5:70-3.1(a)3, F-303.4.2	status: U	Abate by: 10/13/2006
Fab shop near sprinkler room	section: N.J.A.C. 5:70-3.2(a)6, F-610.2	status: U	Abate by: 10/13/2006
Exit sign out	section: N.J.A.C. 5:70-3.1(a)3, F-310.6	status: U	Abate by: 10/13/2006
Remove temporary fan from ceiling	section: N.J.A.C. 5:70-3.1(a)3, F-310.5	status: U	Abate by: 10/13/2006
Use of extension cord prohibited	section: N.J.A.C. 5:70-3.1(a)3, F-310.5	status: U	Abate by: 10/13/2006
Henry's office			

Location: Main jig	Section: N.J.A.C. 5:70-3.1(a)3, F-310.6	Status: U	Abate by: 10/13/2006
Location: Replace missing fire extinguisher	Section: N.J.A.C. 5:70-3.2(a)5, F-519.2	Status: U	Abate by: 10/13/2006
Location: Self closure required on exit doors	Section: N.J.A.C. 5:70-3.1(a)3, F-303.4.2	Status: U	Abate by: 10/13/2006
Location: Main jig room		Status: U	Abate by: 10/13/2006
Location: All containers must have proper labeling	Section: N.J.A.C. 5:70-3.1(a)23, F-2308.1	Status: U	Abate by: 10/13/2006
Location: Automatic welder		Status: U	Abate by: 10/13/2006
Location: Use of extension cord prohibited	Section: N.J.A.C. 5:70-3.1(a)3, F-310.5	Status: A	Abate by: ABATED
Location: Finish department		Status: U	Abate by: 10/13/2006
Location: Use of multi plug adaptor prohibited	Section: N.J.A.C. 5:70-3.1(a)3, F-310.4	Status: U	Abate by: 10/13/2006
Location: Finish department (near refrigerator)		Status: U	Abate by: 10/13/2006
Location: Resecure electrical tubing into electrical outlet	Section: N.J.A.C. 5:70-3.1(a)3, F-310.6	Status: U	Abate by: 10/13/2006
Location: Finish department		Status: U	Abate by: 10/13/2006
Location: Repair or replace cord on fan	Section: N.J.A.C. 5:70-3.1(a)3, F-310.6	Status: U	Abate by: 10/13/2006
Location: Goose neck area		Status: U	Abate by: 10/13/2006
Location: Resecure open wiring into junction box	Section: N.J.A.C. 5:70-3.1(a)3, F-310.6	Status: U	Abate by: 10/13/2006
Location: Welding area		Status: U	Abate by: 10/13/2006
Location: Replace cracked outlet	Section: N.J.A.C. 5:70-3.1(a)3, F-310.6	Status: U	Abate by: 10/13/2006
Location: Sprinkler room near welding		Status: U	Abate by: 10/13/2006
Location: Repair or replace damaged electrical cord	Section: N.J.A.C. 5:70-3.1(a)3, F-310.6	Status: U	Abate by: 10/13/2006
Location: Integrated area		Status: U	Abate by: 10/13/2006
Location: Use of multiplying adaptor prohibited	Section: N.J.A.C. 5:70-3.1(a)3, F-310.4	Status: U	Abate by: 10/13/2006
Location: Integrated shop near refrigerator		Status: U	Abate by: 10/13/2006
Location: Exit door must be unlocked during operating hours	Section: N.J.A.C. 5:70-3.1(a)6, F-605.1	Status: A	Abate by: ABATED
Location: Integrated shop main door		Status: U	Abate by: 10/13/2006
Location: Self closure required on exit door	Section: N.J.A.C. 5:70-3.1(a)3, F-303.4.2	Status: U	Abate by: 10/13/2006
Location: Integrated shop main door		Status: U	Abate by: 10/13/2006
Location: U-Unabated - Violation uncorrected.			
Location: A-Abated - Violation corrected.			

Inspection Report

Page: 2

Registered: 06/27/1996
Premises phone: 732-283-1910

Integrated Industries Inc. (Garden State Chassis)

1 Pennwal Road
PO BOX 868
Woodbridge, NJ 07095

EE CRUZ
Phone: 732-946-9700
Fed. ID:

Phone:
Fed. ID:

rg. Contacts: #1: PATRICK PICAZIO
Phone: 732-572-4154
#2: JOHN PATTERSON
Phone: 732-634-6143
#3: ANGELO AVELLA
Phone: 718-983-5716

of inspection: 09/19/2006 (report number: 34)
re-insp. due: 10/20/2006
of occupancy: BE02: BG10
ected by: Delist/Mastanduno
of inspection F

----- Violations -----

ation: Cylinders must be secured at all times
a section: N.J.A.C. 5:70-3.1(a)27, F-2703.4
tion: Outside cylinder storage

ation: Secure open wiring
a section: N.J.A.C. 5:70-3.1(a)3, F-310.6
tion: Manuel's area

ation: Cut down overgrown weeds
section: N.J.A.C. 5:70-3.1(a)21, F-2101.4
tion: Access road near tracks

ation: Cut weeds away from hydrant
section: N.J.A.C. 5:70-3.1(a)21, F-2101.4
tion: Backyard

ation: Provide fire alarm inspection report
section: N.J.A.C. 5:70-3.1(a)5, F-513.1
tion: Premise

ation: Provide sprinkler inspection report
section: N.J.A.C. 5:70-3.2(a)5, F-506.1
tion: Premise

Status: U
Abate by: 10/20/2006

Status: U
Abate by: 10/20/2006

Status: U
Abate by: 10/20/2006

Status: U
Abate by: 10/20/2006

Status: U
Abate by: 10/20/2006

Status: U
Abate by: 10/20/2006

action: Provide fire service main/hydrant inspection section: N.J.A.C. 5:70-3.1(a)5, F-518.2 Premise Status: U Abate by: 10/20/2006	action: Provide fire service main/hydrant inspection report section: N.J.A.C. 5:70-3.2(a)5, F-517.3 Premise Status: U Abate by: 10/20/2006	action: Service and maintain all fire extinguishers section: N.J.A.C. 5:70-3.2(a)5, F-519.2 Premise Status: U Abate by: 10/20/2006	action: Provide cleaning schedule and filter change for spray booths section: N.J.A.C. 5:70-3.1(a)13, F-1304.3 Spray booths Status: U Abate by: 10/20/2006	action: Provide exit and emergency light test report section: N.J.A.C. 5:70-3.2(a)6, F-611.5 Premise Status: U Abate by: 10/20/2006	action: Install required emergency lighting for egress section: N.J.A.C. 5:70-3.2(a)6, F-610.1 Office trailers Status: U Abate by: 10/20/2006	action: U-Unabated - Violation uncorrected. A-Abated - Violation corrected.
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ADMINISTRATIVE APPEAL RIGHTS

ERAL

YOU MAY CONTEST THESE ORDERS BY FILING AN APPEAL. The request for an appeal must be made in writing within 15 days after receipt of this order and addressed to:

Middlesex County Construction Board of Appeals
One J.F.K. Square Room 230
New Brunswick, New Jersey 08901
Woodbridge Fire Prevention Bureau
418 School Street
Woodbridge, N.J. 07095
(732) 602-6050

notification of Appeal must include the Appellant's Registration number, the address of the premises involved, the reference numbers of the violation cited, the argument with regard to each and specific code section or other authority. Appellant will rely on in support of his position.

are advised that the appeal to the Construction Board of Appeals must be accompanied by the fee of \$ 100.00; payable to Middlesex County Construction Board of Appeals.

Appeals will not be deemed as received until payment of fee is made.

INSTRUCTIONS

A specified time has been given to abate a violation, YOU MAY REQUEST AN EXTENSION OF TIME by submitting a written request to the FIRE PREVENTION BUREAU. To be considered, the request must be made before the compliance date specified by which all work will be completed, the work remaining, the reason why an extension of time is necessary, and the extension constitutes a waiver of the right to a hearing as to those violations for which an extension is applied.

NOTICE THAT, pursuant to N.J.A.C. 5:70-2.10(d), an application for an extension constitutes an admission that the violation notice is factually and procedurally correct and that the violations do or did exist. In addition, the request for extension constitutes a waiver of the right to a hearing as to those violations for which an extension is applied.

Penalties

Violation of the Code is punishable by monetary penalties of not more than \$5,000 per day for each violation. Each day a violation continues is an additional, separate violation except while an appeal is pending. Specific penalties are as follows:

Failure to install required protection equipment after having been given written notice of the requirement to do so: A maximum of \$ 2,500 per violation per day.
Failure to abate any violation after having been given notice of the violation: A maximum of \$ 5,000 per violation per day.
Storage of any material in violation of this Code or the conduct of any process in violation of the Code: A maximum of \$ 5,000 per violation per day.
Blocking, locking, or obstructing required exits:
1. In a place of public assembly: A maximum of \$ 5,000 per occurrence.
11. In any other place: A maximum of \$ 2,500 per occurrence.
Disabling or vandalizing any fire suppression or alarm device or system.
1. In a place of public assembly: A maximum of \$ 5,000 per occurrence.
11. In any other place: A maximum of \$ 1,000 per occurrence.
Failure to obey a Notice of Imminent Hazard and Order to Vacate: A maximum of \$ 5,000 per day for each day that the failure continues.
Failure to obey an order to close for a fixed period of time: A Maximum of \$ 5,000 per day that the failure continues.
Obstructing the entry into a premises or interfering with the duty of an authorized inspector: A maximum of \$ 2,500 for each occurrence.
Any willfully false application for a Permit or Registration: A maximum of \$ 1,000.00 for each occurrence.
Any other act or omission prohibited by the Act or the Regulations: A maximum of \$ 5,000 per violation per day.
As arising out of penalty assessments can be compromised or settled if it shall be likely to result in compliance. ver, no such disposition can be finalized while the violation continues to exist.
Penalties assessed are in addition to others previously assessed. Penalties must be paid in full within 30 days after order to pay. If full payment is not made within 30 days, the matter will be referred to the Legal Council for summary action pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et. seq.).

ICE: If you require guidance or advice concerning your legal rights, obligations or the course of action you should follow, consult your own advisor.



REQUEST FOR TIME EXTENSION APPLICATION

Date: _____
Registration Number: _____
Location of Property: _____
Integrated Industries Inc. (Garden State Chassis)
1 Pennval Road
PO BOX 868
Woodbridge, NJ 07095
Work which has been accomplished: _____
Work that remains: _____

Reason why extension is necessary: _____

Date work will be complete: _____

pursuant to N.J.A.C. 5:70-2.10(d)2. An application for an extension shall be deemed to be an admission that the Notice of Violation is factually and procedurally correct and that the violations do or did exist.

Date submitted _____
Signature of applicant _____

this area office use only

ID #: 1185 State ID #: 1225-66629-001-01

Date Printed: 09/20/2006

ty: Integrated Industries Inc. (Garden State Chassis) [] -Granted [] -Denied

pliance Date _____

Fire Official Signature _____



FRANK G. PELZMAN, MAYOR

02/19/2002 Cert #: 7000 1670 0009 8400 1030 SK

PENNVAL ASSOC - L P
CRUZ PLAZA
HOLMDEL NJ 07733

Re: BLOCK NO: 531A LOT: 1A, 1, 2, 3, 1-B-1, 9-A
Address 1 PENNVAL RD, WOODBRIDGE

Dear Property Owner:

Upon inspection by this office, the following violations have been noted at the above captioned property:

150-38D(5) 150-38D(5) Screening Required For Outside Storage
150-24A(21) 150-24A(21)-Illegal Office Trailers
150-49A 150-49A-SITE PLAN REQUIRED

Please contact this office immediately so that we can arrange a date by which these conditions will be remedied.

If we do not hear from you within five(5) calendar days of receipt of this notice, we will undertake steps to have the property brought into compliance under the relevant Township Ordinance in Municipal Court.

If you have questions regarding this, please contact the Bureau of Property Maintenance/Code Enforcement, Inspector: LAWRENCE CLEMENT (732) 634-4500 ext.2815

Please note for any structural work, permits may be required please call (732) 634-4500 Ext. 6457.

Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,
LAWRENCE CLEMENT
Zoning Officer

Request number: A2020206
Request date.: 02/19/2002



Complaint No. B-003917
Mun. Code 1225
Township of Woodbridge
1 Main Street
Woodbridge, NJ 07095

The State of New Jersey
VS.

Defendant's Name: First Last
Kreisco Company, Inc. (Peter G. Calapaty)
Address
PO Box 304 Wickatunk, NJ
State Zip Code
NJ 07765

Birth Date: Mo. Day Yr.
Sex Eyes Height Restrictions
Drivers License #
State Exp. Date

STATE OF NEW JERSEY
COUNTY OF MIDDLESEX

Complaining Witness: (Name)
KONING BUREAU, WOODBRIDGE
(Identify Dept/Agency Represented) (Badge No.)
Residing at
1714 W. ST. WOODBRIDGE

by certification or on oath, says that to the best of his/her knowledge and belief, the
named defendant on or about the
Month Day Year
did commit the following offense
S. RESISTANCE TO OFFENSE
(SEE CRIMINAL STATUTE 17-2)

in violation of (one charge only)
(Statute, Regulation or Ordinance Number)
FELONY 17-2
LOCATION
OF OFFENSE
FELONY 17-2
CITY OF WOODBRIDGE

OATH: Subscribed and sworn to before me, this day of June, 2003.
CERTIFICATION: I certify that the foregoing statements made by me are true; I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(Signature of Person Administering Oath)
(Signature of Complaining Witness)
(Date)
JUNE 22, 2003

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:
COURT USE ONLY - LAW ENFORCEMENT USE ONLY
Probable cause is found for the issuance of this Complaint Summons.
Yes No
(Signature of Judicial Officer)
(Signature of Judge)

YOU ARE HEREBY SUMMONED TO APPEAR
ONE THIS COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE
AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.
NOTICE TO APPEAR
APPEARANCE DATE COURT Month Day Year Time AM PM
JUNE 22 10 00 PM

(Signature of Person Issuing Summons)
SF-1 (9-98)



Township of Woodbridge

FRANK G. PELZMAN, MAYOR

Department of Planning and Development
Bureau of Code Enforcement

One Main Street
Woodbridge, New Jersey 07095
www.twp.woodbridge.nj.us
Tel: (732) 602-6003
Fax: (732) 726-2330

July 23, 2004

Re: Tenant—American Maritime Services of
NJ DBA Integrated Industries Garden
State Chassis Remanufacturing

Re: Block # 531.A Lots 1.A, 1.3 and Block 531.B Lots 1B1 & 1B2
1 Pennval Rd, Woodbridge, NJ

Dear Property Owner:

Upon inspection by this office, the following violations have been noted at the above
captioned property:

* 150-49A Failure to complete Site Plan approval process

Please contact this office immediately so that we can arrange a date by which these
conditions will be remedied.

If we don't hear from you within five (5) calendar days of receipt of this notice, we
will undertake steps to have the property brought into compliance under the relevant
Township Ordinance in Municipal Court.

If you have any questions regarding this, please contact the Zoning Bureau/Code
Enforcement: Lawrence Clement (732) 634-4500 x 2815

Please note for any structural work, permits may be required please call (732) 634-4500
X 6457.

Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,

Lawrence Clement
Lawrence Clement
Zoning Officer



Woodbridge—A Township United

Complaint
Municipal Court
Township of Woodbridge
1 Main Street
Woodbridge, NJ 07095

No. B 003912

The State of New Jersey

vs.

Defendant's Name: First Initial Last

Address: PO Box 300 Wickliff, NJ 07765

State Zip Code Telephone

Birth Date: Mo. Day Yr. Sex Eyes Height Restrictions

Drivers License #

State

Exp. Date

STATE OF NEW JERSEY

COUNTY OF MIDDLESEX

Complaining Witness: (Name) (Identify Dept/Agency Represented) (Badge No.)

Residing at: 1 Main St, Woodbridge

By certification or on oath, says that to the best of his/her knowledge or information and belief, the

named defendant on or about the 1st Month Day Year

did commit the following offense: (CITE STATUTE OR VIOLATION)

in violation of (one charge only)

LOCATION OF OFFENSE

CERTIFICATION: I, the undersigned, being a duly qualified and sworn to before me

going statements made by me are true and correct

am subject to punishment

OR

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY

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COURT USE ONLY

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COURT USE ONLY

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COURT USE ONLY

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

The image shows a computer monitor displaying a software application titled "Request Services System - Request Entry Screen". The application window has a menu bar at the top with options: File, Edit, View, Help, and a toolbar with icons for various functions. The main area contains a form with the following fields:

- Request #: A6080191
- Date In: 08/08/2006
- Letter:
- Department: HOUSING BUREAU
- Division: EXT
- Request: 00
- Resident Name: PENNYAL ASSOC - L P
- Owners Name: PENNYAL ASSOC-LP
- Address: 222 PENNYAL RD.
- City/State/Zip: WOODBRIDGE NJ 07095
- Phone #:
- Assigned To: ?

Below the form, there is a section for "Special Pickup" with fields for "Date:" and "Special Pickup:". A status bar at the bottom of the window indicates "Request Services System - Request Entry Screen" and "Use New Add Screen".

Stat

Request # 302.1 REMOVE JUNK & DEBRIS FROM ENTIRE PROPERTY
150-49A: 150-49A: Violation Of Site Plan
150-49A: 150-49A-SITE PLAN REQUIRED

**Service Request added 08/08/2006 at 09:42 by D.DAZZO (DEBBIE)

Assigned To: ?
Phone #:
City/Zip: WOODBRIDGE NJ 07095
Address: 222 PENNAVAL RD.
Owners name: PENNAVAL ASSOC-LP
Resident Name: PENNAVAL ASSOC - L P
Department: HOU HOUSING BUREAU
Division: EXT Exterior Complaints
Request: 00 Housing Dept

Request #: AG060191 Date In: 08/08/2006 Letter:
Special Pickup: Date:
Closed: N Date closed:

Exit



Department of Planning & Development
Bureau of Housing

One Main Street
Woodbridge, NJ 07095
www.twp.woodbridge.nj.us
Tel (732) 602-6009
Fax (732) 602-6048

Cert #: 7004 2890 0001 2414 828 6 DD

8/8/2006

PENNVAL ASSOC-LP
CRUZ PLAZA
HOLMDEL NJ 07733

Re: BLOCK NO: 531.B LOT: 1.B1
Address 222 PENNVAL RD, WOODBRIDGE

Dear Property Owner:

Upon inspection by this office, the following violations have been noted at the above captioned property:

302.1 REMOVE JUNK & DEBRIS FROM ENTIRE PROPERTY

- 302.4 Remove high weeds from property
- 150-49A: 150-49A: Violation Of Site Plan
- 150-49A 150-49A-SITE PLAN REQUIRED

Please contact this office immediately so that we can arrange a date by which these conditions will be remedied. If we do not hear from you within five (5) days of receipt of this notice, we will undertake steps to have the property brought into compliance under the relevant Township Ordinance in Municipal Court.

If you have questions regarding this, please contact the Bureau of Property Maintenance/Code Enforcement, Inspector: Debbie Dazzo (732) 634-4500 EXT 6461 between the hours of 8:00am-9:00am and 3:00pm-4:00pm.

Please note, for any structural work

Thank you in advance for your attention

Very truly yours,

Debbie Dazzo (732) 634-4500 EXT 6461

Housing Inspector

Request number: A6080191
Request date: 08/08/06

Forward above
Cruz Plaza
Holmdel, NJ 07733

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

A. Signature

B. Received by (Printed Name)

C. Date of Del

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail
☐ Registered
☐ Insured Mail
☐ Return Receipt for Merchandise
☐ Express Mail
4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

PS Form 3811, February 2004

Domestic Return Receipt

(Transfer from service label)

2. Article Number

7004 2890 0001 2414 8286

102595-02-

FRANK G. PELZMAN, MAYOR

Township of Woodbridge

COURT J.D. NO. 1225
COMPLAINT NUMBER 006993
Municipal Court
Township of Woodbridge
1 Main Street
Woodbridge, NJ 07095

The State of New Jersey
vs.

Defendant's Name: First Initial Last
RICH
Address: 222 Pennock Rd
City: Woodbridge
State: NJ Zip Code: 07095
Telephone: 270-95
Social Security Number: 270-95
Birth: Mo. Day Year Sex Eyes Height Weight Restrictions
Date: 12/25/95
Drivers License #: 270-95
State: NJ Exp. Date: 12/25/95

STATE OF NEW JERSEY
COUNTY OF MIDDLESEX
Complaining Witness: (Name)
WALTER E. HAYS
of (Name)
Bureau of Housing
(Identity Dept./Agency Represented) (Badge No.)
Residing at
Township of Woodbridge

I, named defendant, on or about the 6th day of 12, 2006, did commit the following offense:
SITTING IN A VEHICLE FOR ACCESS
ROAD BLOCK NO. 10
COURT ROAD NO. 10
150-49A
In violation of (one charge only):
(Statute, Regulation or Ordinance Number)
Describe Location: 222 Pennock Rd, Woodbridge
OF OFFENSE: 222 Pennock Rd, Woodbridge
CITY: Woodbridge
STATE: NJ
COUNTY: MIDDLESEX
DATE: 12/25/06
MONTH: 12
DAY: 25
YEAR: 2006

OATH: Subscribed and sworn to before me, day of 12, 2006, at the County of Middlesex, State of New Jersey.
CERTIFICATION: I certify that the foregoing statements made by me are true and correct to the best of my knowledge and belief, and I am not aware that I am going to the foregoing state or subject to punishment.
OR
The complainting witness is not a probable cause determination for issuance of this complainting summons.
(Signature of Complaining Witness)
Walter E. Hays
(Date)
12/25/06

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:
COURT JUDGE ONLY
Probable cause is found for the issuance of this complainting summons.
(Signature of Judicial Officer)
Walter E. Hays
(Signature of Judge)
Walter E. Hays

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.
NOTICE TO APPEAR
COURT APPEARANCE: COURT: Month: Day: Year: Time: AM/PM
12/25/06 2:45 PM
RECEIVED
12/25/06 2:45 PM
Signature of Person Issuing Summons: Walter E. Hays
(Date Summons Issued)
12/25/06
Complainting Summons
SF-1 (12-03)

COMPLAINT

THE STATE OF NEW JERSEY

VS.

Defendant's Name: First Richard Last Wright

Address: 222 Pennine Rd. Woodbridge NJ

City **State** **Zip Code**

Telephone **Social Security Number**

Birth: Mo. 08 Day 10 Year 1955

Sex: M **Height:** 5'10" **Weight:** 175 **Restrictions:**

Drivers License: 1225 **State:** NJ **Exp. Date:**

Complaining Witness: Walter E. Hays (Name) 1000 (Badge No.)

Residing at: 1000 (Address) Woodbridge (City) NJ (State)

By certification or on oath, says that to the best of his/her knowledge and belief, the named defendant on or about the 10 08 1955

did commit the following offense: FAILURE TO REMAIN IN JURY + DEPART FROM SEAT 302.1

LOCATION OF OFFENSE: 222 Pennine Rd. Woodbridge

CERTIFICATION: I certify that the foregoing statements made by me are true, I am aware that if I knowingly state false information, I am subject to punishment.

OATH: Subscribed and sworn to before me, on this 10 day of 08, 1955.

Signature of Complainant (Witness): Walter E. Hays (Date) 10/10/55

Signature of Defendant: Richard Wright (Date) 10/10/55

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY:

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR

COURT APPEARANCE: COURT 10:00 AM DATE 10/10/55 TIME 10:00 AM

Signature of Person Issuing Summons: 10/10/55

SF-1 (12-03)

COMPLAINT

THE STATE OF NEW JERSEY

VS.

Defendant's Name: First Richard Last Wright

Address: 222 Pennine Rd. Woodbridge NJ

City **State** **Zip Code**

Telephone **Social Security Number**

Birth: Mo. 08 Day 10 Year 1955

Sex: M **Height:** 5'10" **Weight:** 175 **Restrictions:**

Drivers License: 1225 **State:** NJ **Exp. Date:**

Complaining Witness: Walter E. Hays (Name) 1000 (Badge No.)

Residing at: 1000 (Address) Woodbridge (City) NJ (State)

By certification or on oath, says that to the best of his/her knowledge and belief, the named defendant on or about the 10 08 1955

did commit the following offense: VIOLATION OF STATE PLANS OUTSIDE SEATING, REMAIN SEATED 150-47.9

LOCATION OF OFFENSE: 222 Pennine Rd. Woodbridge

CERTIFICATION: I certify that the foregoing statements made by me are true, I am aware that if I knowingly state false information, I am subject to punishment.

OATH: Subscribed and sworn to before me, on this 10 day of 08, 1955.

Signature of Complainant (Witness): Walter E. Hays (Date) 10/10/55

Signature of Defendant: Richard Wright (Date) 10/10/55

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY:

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR

COURT APPEARANCE: COURT 10:00 AM DATE 10/10/55 TIME 10:00 AM

Signature of Person Issuing Summons: 10/10/55

SF-1 (12-03)

WOODBRIDGE MUNICIPAL COURT
1 MAIN STREET

WOODBRIDGE NJ 07095

TELEPHONE: 732-636-6430
9:00 - 4:00

NOTICE GENERALLY BY: JUDGE
COMPLAINANT COPY

NEW COURT DATE 11/13/2006 08:45 AM
ROOM 0001

JUDGE EMERY Z TORI
DATE OF NOTICE 10/31/2006

YOU ARE HEREBY NOTIFIED THAT THE COURT MATTERS(S), LISTED BELOW
HAS BEEN RESCHEDULED FOR 08:45 AM ON 11/13/2006 IN COURT ROOM 0001.

COMPLAINT NO. COMPLAINT NO. COMPLAINT NO. COMPLAINT NO.

SCH 2006 006991
SCH 2006 006992
SCH 2006 006993

per call

STATE V. RICH WALSH

BY ORDER OF THE JUDGE
EMERY Z TORI

WALTER HANKS
HOUSING DEPT.
WOODBRIDGE TOWNSHIP
NJ 07095

1225 B 0069391

Windsor Roadbridge
Main Street
Windsor, NJ 07093

The State of New Jersey
vs.

Defendant Name: FID

Indict

Indict

State	Zip Code	Telephone
City	State	County
Birth Date	Sex	Height
Weight	Build	Complexion
Education	Marital Status	Employment

STATE OF NEW JERSEY
COUNTY OF

Complaining Party

Name

Residence

Investigation conducted by Special Agent in Charge of the New Jersey State Police and the New Jersey State Department of Corrections on or about the

at the residence of the defendant.

COMPLAINT

In and to the County of

State of New Jersey

Location

Offense

Oath: I, the undersigned, being a duly sworn

Magistrate

do hereby certify that the facts stated herein are true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on this day of

Signature of Complaining Party

(Signature)

Signature of Defendant

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS.

NOTICE TO DEFENDANT

LAURENCE J. JONES

Probable Cause is determined for the issuance of a

Warrant of Arrest

Indict

Signature of Magistrate

The undersigned, being a duly sworn Magistrate, do hereby certify that the facts stated herein are true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on this day of

Signature of Magistrate

YOU ARE HEREBY SUMMONED TO APPEAR

BEFORE THIS COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED. A WARRANT MAY BE ISSUED FOR YOUR ARREST.

SUMMONS

COURT APPEARANCE

NOTICE TO APPEAR

NOTICE

SUMMONS

1225 B 006939

The State of New Jersey
vs.

Defendant Name: FID

Indict

State	Zip Code	Telephone
City	State	County
Birth Date	Sex	Height
Weight	Build	Complexion
Education	Marital Status	Employment

STATE OF NEW JERSEY
COUNTY OF

Complaining Party

Residence

Investigation conducted by Special Agent in Charge of the New Jersey State Police and the New Jersey State Department of Corrections on or about the

at the residence of the defendant.

COMPLAINT

In and to the County of

State of New Jersey

Location

Offense

Oath: I, the undersigned, being a duly sworn

Magistrate

do hereby certify that the facts stated herein are true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on this day of

Signature of Complaining Party

Signature of Defendant

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS.

NOTICE TO DEFENDANT

LAURENCE J. JONES

Probable Cause is determined for the issuance of a

Warrant of Arrest

Indict

Signature of Magistrate

The undersigned, being a duly sworn Magistrate, do hereby certify that the facts stated herein are true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on this day of

Signature of Magistrate

YOU ARE HEREBY SUMMONED TO APPEAR

BEFORE THIS COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED. A WARRANT MAY BE ISSUED FOR YOUR ARREST.

SUMMONS

COURT APPEARANCE

NOTICE TO APPEAR

NOTICE

SUMMONS

Hit List: Get Print-List Last-search Reports-quick Quit
 Page 1/4 Found: 61 Active: 61
 Last Search: cadIncllog.logcp like "1 PENNVAL ROAD%"

Date/Time	Inc #	Type	Location
2002-01-14 07:49:00	2003357	CHEST PN	1 PENNVAL ROAD
2002-03-15 13:28:00	2020829	SUSP PKG	1 PENNVAL ROAD / AME
1996-11-05 06:33:00	96076913	ALARM	1 PENNVAL ROAD
1997-01-28 08:15:00	97006634	THFT RPT	1 PENNVAL ROAD / INT
1997-01-29 20:40:00	97007068	LOCKOUT	1 PENNVAL ROAD
2002-01-08 09:23:00	2001798	THFT RPT	1 PENNVAL ROAD
2002-01-11 09:23:00	2002610	ALRM OUT	1 PENNVAL ROAD
2001-01-12 09:52:00	1003257	ALRM OUT	1 PENNVAL ROAD
2001-04-12 17:34:00	1027805	GAS ODOR	1 PENNVAL ROAD
2001-04-19 10:15:00	1029448	A&B SIMP	1 PENNVAL ROAD / AME
2001-06-21 07:25:00	1046424	BRUSH	1 PENNVAL ROAD
2001-06-28 09:37:00	1048286	DV RPRRT	1 PENNVAL ROAD / AMER
2001-10-30 13:57:00	1082261	TEST	1 PENNVAL ROAD
2002-04-22 10:50:50	2031341	ALRM OUT	1 PENNVAL ROAD
2002-04-22 10:17:28	2031324	THFT RPT	1 PENNVAL ROAD
2002-04-23 09:39:52	2031587	ALRM OUT	1 PENNVAL ROAD / AME
2002-04-24 11:24:00	2031910	FOLLOWUP	1 PENNVAL ROAD
2002-05-22 21:46:31	2039129	FIR ALRM	1 PENNVAL ROAD
2002-05-23 10:52:00	2039247	F PREVEN	1 PENNVAL ROAD

Date/Time	Inc #	Type	Location
2002-05-23 16:02:54	2039342	F PREVEN	1 PENNVAL ROAD
2002-06-07 00:24:48	2043220	FIR_ALARM	1 PENNVAL ROAD
2002-07-11 07:34:48	2052679	FIR_ALARM	1 PENNVAL ROAD
2002-08-02 08:33:34	2058352	SIG45RPT	1 PENNVAL ROAD
2002-08-22 16:42:45	2064007	FIR_ALARM	1 PENNVAL ROAD
2002-08-28 07:55:00	2065391	ALRM_OUT	1 PENNVAL ROAD
2002-09-12 14:36:01	2069492	LOCKOUT	1 PENNVAL ROAD
2002-11-17 06:59:22	2086914	911 HANG	1 PENNVAL ROAD
2002-11-19 17:30:49	2087510	911 HANG	1 PENNVAL ROAD
2002-12-10 10:45:22	2092897	THF_SRVC	1 PENNVAL ROAD
2002-12-10 10:47:34	2092898	THF_SRVC	1 PENNVAL ROAD
2003-01-13 13:20:00	3003349	ALRM_OUT	1 PENNVAL ROAD
2003-03-05 00:35:03	3017530	REPO	1 PENNVAL ROAD
2003-04-21 17:22:34	3030161	SIG45RPT	1 PENNVAL ROAD
2003-05-08 13:40:37	3034358	911 HANG	1 PENNVAL ROAD
2003-08-21 14:52:07	3062722	911 HANG	1 PENNVAL ROAD
2003-11-26 10:19:23	3087723	THFT RPT	1 PENNVAL ROAD
2003-12-22 07:50:56	3094572	B&E RPRT	1 PENNVAL ROAD / GAR
2003-12-23 09:06:28	3094838	B&E MV	1 PENNVAL ROAD

Date/Time	Inc #	Type	Location
2004-01-14 12:57:49	4004076	ABNDN MV	1 PENNVAL ROAD / GAR
2004-01-14 15:14:10	4004122	POL INFO	1 PENNVAL ROAD / GAR
2004-01-15 13:07:58	4004338	SIG45RPT	1 PENNVAL ROAD
2004-01-22 08:37:17	4006046	ALRM OUT	1 PENNVAL ROAD
2004-01-23 14:00:13	4006408	SIG45RPT	1 PENNVAL ROAD
2004-04-01 12:39:49	4025402	LOST PRP	1 PENNVAL ROAD
2004-04-22 17:38:22	4031767	FIR_ALRM	1 PENNVAL ROAD
2004-04-26 12:18:53	4032882	ALRM OUT	1 PENNVAL ROAD
2004-05-14 08:05:04	4038427	A&B SIMP	1 PENNVAL ROAD
2004-07-16 10:45:39	4057031	ALRM OUT	1 PENNVAL ROAD
2004-10-22 07:22:21	4084108	INDUSTR	1 PENNVAL ROAD
2004-10-27 10:58:08	4085508	WO_CNSNT	1 PENNVAL ROAD
2004-11-09 07:54:57	4089018	ABD_PAIN	1 PENNVAL ROAD
2005-01-28 11:57:46	5007422	ALRM OUT	1 PENNVAL ROAD
2005-01-28 13:55:18	5007455	ALRM_BIS	1 PENNVAL ROAD
2005-02-20 15:41:57	5013553	VEH_FIRE	1 PENNVAL ROAD
2005-02-28 09:56:12	5015589	SEIZURE	1 PENNVAL ROAD
2005-07-12 16:09:38	5052395	LOCKOUT	1 PENNVAL ROAD
2006-01-13 09:37:53	6003286	MAN DOWN	1 PENNVAL ROAD

Date/Time	Inc #	Type	Location
2006-06-01 11:20:33	6041717	SIG45RPT	1 PENNVAL ROAD
2006-07-05 20:02:20	6052262	FIR_ALARM	1 PENNVAL ROAD
2007-01-22 14:42:38	7006743	ALRM OUT	1 PENNVAL ROAD
2007-07-13 07:12:43	7060202	911 HANG	1 PENNVAL ROAD

-----OWNER INFORMATION-----

SPECTOR-WOODBRIDGE CO, LLC
156 SECOND STREET
PERTH AMBOY NJ 08862
DED BANK# AMT MORT# SS#
01 #OWN

BLDG DESC LAND/ACRE ADDITIONL LOTS
10.3990 / 10.3

PROB LOC: BERRY ST
PROPERTY CLASS 1 ACCOUNT# 81980500
ZONE M-2 MAP 87 USER#1 BCLASS #2

-----SALES INFORMATION-----

DATE BOOK PAGE PRICE PCD NU 4TYPE
CUR: 122600 04971 229 350000 Z 05
VCS ***** SFIA *****

-----VALUES-----

LAND 412000
IMPR
EXM1
EXM2
EXM3
EXM4
NET 412000

-----EXEMPT PROPERTY DATA-----

EPL CD STAT.
FACILITY
INIT FILE
FUR FILE
ASMT CODE
DELETING LINE ITEM FOR 2009

QUAL
OLDID:
F1=NO ACTION F3=ASSMT HISTORY F5=RECORD CARD F7=MORE

EN=CHANGE
NEXT ACCESS: BLK
SPECTAX CDS: F01A01

RESOLUTION

#Z02-102

WHEREAS, LWS CORPORATION, hereinafter referred to as the applicant, has made application to the Zoning Board of Adjustment of the Township of Woodbridge for Minor Site Plan approval and use variance from the requirements of the Land Use and Development Ordinance of the Township of Woodbridge, in order to openly store trailer chassis and have a 20' high clean fill stockpile on the rear property, relative to property located at Pennval Road and Berry Street, Woodbridge, New Jersey, being also known as Block 531-B, Lot 100 on the Woodbridge Township Tax Map; and

WHEREAS, the subject site is located in the M-2 Heavy Industrial Zone; and

WHEREAS, Thomas E. Sheehan, the Township's Planning Consultant, submitted a report to the Board dated October 17, 2002, a copy of which is attached hereto and made a part hereof as *Exhibit A*; and

WHEREAS, Thomas E. Sheehan, the Township's Planning Consultant, submitted a report to the Board dated January 21, 2003, a copy of which is attached hereto and made a part hereof as *Exhibit B*; and

WHEREAS, T & M Associates, the Township's Engineering Consultant, submitted two reports dated August 15, 2002, prepared by Robert W. Bucco, Jr., P.E., C.M.E., a copy of which is attached hereto and made a part hereof as *Exhibit C*; and,

WHEREAS, T & M Associates, the Township's Engineering Consultant, submitted two reports dated December 31, 2002, prepared by Robert W. Bucco, Jr., P.E., C.M.E., a copy of which is attached hereto and made a part hereof as *Exhibit D*; and,

WHEREAS, T & M Associates, the Township's Engineering Consultant, submitted a report to the Board entitled "Berry Street Reconstruction", a copy of which is attached hereto and made a part hereof as *Exhibit E*; and

WHEREAS, William G. Trenery, Chief of Police, submitted a report to the Board dated January 6, 2003, as well as Sgt. Dennis Gorman, Traffic Enforcement Unit dated August 5, 2002, which stated respectively:

"As per your request, the above application was reviewed by this Department and attached is the report submitted to me by Sergeant Gorman for your review and consideration. I have also reviewed this report and endorse his findings." (signed William Trenery)

"After careful review and investigation of the attached documentation, it is concluded that the proposed Minor Site Plan/Use/Bulk Variances listed above may have a significant impact on this department or the police services we provide.

Specifically the applicant is requesting to utilize the site for:
1) Chassis Storage (Assumed to be Container Semi-Trailer Chassis)
2) Clean Fill Stockpile

Both of these utilizations will necessitate the use of Pennval Road by either truck tractors that will transport the chassis to and from the site or dump trucks to transport the clean fill to and from the site.

If the request is approved, the applicant has not indicated how many additional trucks will use Pennval Road as well as the other roadways leading to Pennval Road such as Woodbridge Avenue, West Avenue, Berry Street, Main Street, Rahway Avenue and Green Street.

A specific concern is the intersection of Pennval Road and Woodbridge Avenue. Currently traffic south on Pennval Road is controlled by a single stop sign at this intersection. The surface of the roadway at this intersection is uneven. The sight lines of traffic attempting to turn onto Woodbridge Avenue from Pennval Road, specifically slowly accelerating trucks is limited.

1) The applicant should provide an estimate of the increase of heavy truck traffic that will be generated due to this site.

2) The applicant should consult with the Township of Woodbridge to remedy the problems at the intersection of Pennval Road and Woodbridge Avenue. Specifically, the intersection may need a physical upgrade.

3) A Traffic Impact Study should be conducted by the Applicant to determine if the increase in truck traffic may warrant additional traffic control improvements at the intersection of Pennval Road and Woodbridge Avenue (traffic signal, signage, etc.)

Final Approval - Pending the Applicant addressing the issues stated above." (signed Sgt. Dennis Gorman)

WHEREAS, Michael Van Tassel, Captain/Fire Official, Fire Prevention Bureau, Woodbridge Fire Department, District No. 1, submitted a report dated January 16, 2003, which stated:

"The Fire Prevention Bureau has reviewed the Minor Site Plan/Use Variances for the above-mentioned address. The Bureau has no comments at this time."

WHEREAS, the Board conducted a public hearing on said application on June 5, 2003 after the applicant served notice of same on all interested parties as required by the Municipal Land Use Law with the applicant being represented by John J. Cassese, Jr., Esq., and the following person testifying on behalf of the application: Angelo J. Valetutto, P.E., P.P., professional engineer and planner of the State of New Jersey; and Thomas Giordano, principal of the applicant; and no one appearing in opposition thereto; and

WHEREAS, the Board finds:

1. The reports of the Board's professionals were entered into the record.

2. The testimony presented on behalf of the applicant was credible.

3. Mr. Cassese represented to the Board that he is aware of the fact that a traffic expert was suggested by Sgt. Gorman (in his report) and the applicant has no quarrel with Mr. Dean's testimony in the companion case of American Maritime Services of N.J., Inc. #Z02-92 which the applicant adopts. The Board acknowledged the earlier testimony of Mr. Dean and adopts same herein.

4. Angelo J. Valetutto testified the application seeks permission to store clean fill and possibly chassis on a 9.67 acre site. He noted they have participated in several joint meetings

that were held and, as a result of that, they have presented the plan before the Board this evening.

The witness testified the originally proposed height of the clean fill was 30 feet which the chassis storage area beyond the 50 feet setback line along Pennval Road and limit the height of the chassis storage to no more than 4 high or 15 feet maximum.

5. Mr. Valetto represented to the board that Mr. Giordano has indicated to him the dirt pile can be reduced to 20 feet high within 60 days and cannot do it sooner because of the weather and, further, if approved, it will remain at 20 feet.

6. The witness then testified the applicant is amending its application to show a concrete apron being constructed from the curb cut on Pennval Road up to the applicant's property line or approximately 30 feet to 40 feet to provide an acceptable runway to eliminate spreading mud/dirt onto the roadway.

Mr. Nagy expressed his opinion that a tire cleaning tracking bed of large stone be added as well in order to keep dirt and mud from being deposited on the roadway.

Mr. Valetto replied they are proposing to install the driveway shown on the plan and can buffer it to the Board's professional's satisfaction. He stated the stone bed would be provided before the pavement to accomplish what Mr. Nagy suggested. This proposal was acceptable to Mr. Nagy.

Mr. D'Arcio inquired as to the status of the other driveway. Mr. Valetto replied it will be improved to municipal standards as per the T & M report request and, further, the applicant agrees to contribute its pro rata share of road improvements along its frontage.

The witness also testified the applicant has full approval from the Middlesex County Planning Board.

7. Mr. Valetto testified the fire report indicates the department has no comments vis-a-vis the application.

As to the police reports, he testified he had taken notes of Mr. Dean's testimony and assisted in preparing Mr. Dean's report. He testified in the peak a.m. hours there was a total of 21 truck movements with 19 out of the site and in the p.m. peak, there were five into the site and three out of the site which he also observed was an existing condition with no anticipated increase.

Mr. Keady advised the Board he was satisfied with the traffic testimony of Mr. Dean regarding all of the Pennval Road applications.

However, Mr. Keady asked for a clarification with respect to the chassis storage. The witness replied the applicant agrees with "B-2" of the engineering report which will require a slight modification of the location of the chassis in the area of the side slopes to the north acceptable to Mr. Keady.

Mr. Valetto testified they show approximately 12 street trees along Pennval Road and that area between the curb line on Pennval Road is heavily wooded and asks the Board to accept their proposal as an adequate buffer. This was acceptable to Mr. Keady.

The witness also testified regarding #2 of the T & M report and testified the proposed height is 20 feet and further they will revise the plans to show the grade at the corners. Additionally, Mr. Valetto testified they will install a utility pole at 20 feet in height to determine the height of the stack pile. Mr. Sheehan expressed his concern that the 20 foot height of the pole is accurately defined. Mr. Valetto replied he has done this procedure at a number of recycling centers with which he was involved and will mark the pole at 20 feet to insure accuracy.

Mr. Valetto testified there will be no drainage onto adjoining properties and will add a note to the plan reflecting same which was acceptable to the Board's engineering consultant. Additionally, they will show the proper detail for the concrete apron.

As to the T & M report entitled "Berry Street Reconstruction," Mr. Valetto testified there is nothing contained therein the applicant cannot agree to and, again, will contribute its pro rata share of Berry Street improvements based upon its frontage along same.

8. Mr. Valetto then addressed item #10 of Mr. Sheehan's report and restated his earlier testimony regarding truck movements. Mr. Sheehan advised the Board this testimony was acceptable to him as the applicant has stipulated there's no difference between this and the earlier application American Maritime Services Inc. #Z02-92.

As to comment 9-A, the witness testified he will modify the plans to show the fence at the proper height of eight (8') feet. Additionally, they will apply to NJDEP regarding wetlands presence/absence on site and will provide a copy of their review to the Board.

Mr. Sheehan replied he is concerned with this aspect as the Board needs to know whether a buffer is required which may change the location of the stockpile. Mr. Valetto replied the applicant will accept as a condition of approval, approval from NJDEP. Additionally, the witness testified, should DEP require the applicant to reduce the pile, they will do it. Mr. Sheehan advised the Board there should be "no sign off" until the DEP takes action.

Mr. Casey advised the applicant should DEP require relocation of the stockpile, the applicant will have to return to the Board should Mr. Sheehan determine that to be necessary. Mr. Keady asked how the applicant intends to delineate the wetlands on a permanent basis and Mr. Valetto responded they will seek permission to use "NJ Barriers" to accomplish this.

Mr. Sheehan requested Mr. Valetto to copy the Board Secretary and professionals on any and all communications between the applicant and the DEP as a condition of approval which the applicant accepted.

Mr. Valetto also testified the will obtain Freehold Soil approvals and will comply with "E" of the Sheehan report regarding the requested planting of trees.

Mr. Valetto also testified they will provide, on revised plans, details for the employee/equipment parking and will remove chassis stacks from the required set back at the southwest corner of the Blue Dolphin site as well as designating the setback lines.

As to "H" of the Sheehan report requesting the submission of cross sections, the witness requested this be waived based upon the reduction of height of the requested stacks, Mr. Dean's testimony and the vegetation along Pennval Road and the Board agreed to the request.

9. Mr. Valetto then testified special reasons exist justifying approval of the application as the site is a tract of land that borders the Woodbridge Creek in the M-2 Heavy Industrial Zone and the proposed use has functioned at the site for two years. The witness continued by observing the chassis storage area about the property to the south that only earlier this evening was approved conditionally for that use. Mr. Valetto opined the proximity of the chassis storage to that particular use certainly supports his testimony that the site is particularly suited for the proposed use. The witness also testified the proposed uses are passive uses within the M-2 Heavy Industrial Zone.

The applicant's planner also opined the truck traffic generated by the uses proposed are also low given the location in the industrial zone which he quantified in response to a question from Mr. Sheehan at 20 to 25 trips per day.

Mr. Valetto then addressed the negative criteria and testified based upon the reduction of the height of the clean fill pile, additional plantings and fencing, he sees no negative impact to the adjoining properties. Moreover, he opined any visual impact to residential uses across Pennval Road is minimal as they are shielded by the aforesaid as well as their distance from the site, Pennval Road and the NJ Turnpike.

10. Thomas Giordano testified with respect to the soil moving operation, the number of trucks coming in and out of the site averaged between 20-25 per day. He also stated there are no trucks at his site after 3 p.m. and has no vehicles in the evening. Finally, the witness testified these trucks do not remain at the site, but come and go and most of these are in the morning.

11. The record established by the applicant satisfies the Board the relief sought by the applicant can be granted without substantial detriment to the zone plan and ordinance of the Township of Woodbridge. The Board also finds the applicant has been cooperative with the Board's professionals in making changes to its plan to meet the concerns of the board that the site be cleaned up and any impact on the surrounding areas and infrastructure is minimal.

It finds the reduction of the soil pile to 20 feet and the maintenance of that height by the applicant within 60 days of the hearing date will also minimize any visual impact.

The Board also accepts the testimony of Mr. Valetto that the proposed uses are more passive than other permitted uses allowed in the M-2 Heavy Industrial Zone and the approval hereof will not substantially impair the purpose and intent of the zone plan.

The Board also finds the site is particularly suited for the proposed uses as it is within the heavy industrial zone, will be adequately screened from any residential uses, and the amount of traffic generated is less than that which would be expected for permitted uses in the zone.

Therefore, the Board finds it may approve the application without any negative impact on the health, safety and welfare of the residents of the Township of Woodbridge.

NOW, THEREFORE, LET IT BE RESOLVED, that the Zoning Board of Adjustment of the Township of Woodbridge does hereby grant Minor Site Plan approval and use variance to the rear property relative to property located at Pennval Road and Berry Street, Woodbridge, New Jersey, being also known as Block 531-B, Lot 100, Zone M-2 on the Woodbridge Township Tax Map, subject to the following:

- (1) Applicant shall reduce the soil pile to a maximum of 20 feet and maintain that height on a permanent basis within sixty (60) days of the date of this hearing.
- (2) Applicant shall install a pole or other device acceptable to the Municipal Engineer or his designee to verify the 20 foot height.
- (3) Applicant shall submit a revised plan reflecting construction of concrete apron and stone tracking bed along Pennval Road to municipal standards.

- (4) Applicant shall add a note to the plan to reflect there shall be no drainage from the site to adjoining properties.

- (5) Applicant shall apply to the DEP with respect to the issue of wetlands and buffering thereof. Should the DEP require any substantive change or relocation of the stockpile, the applicant shall submit same to the Board and, if necessary, return to the Board for a review of same or further action necessitated by DEP's actions/requirements.

- (6) Applicant shall provide the Board Secretary, Mr. Sheehan, and Mr. Keady with copies of any and all applications, correspondence or other documentation submitted to or received by it from DEP.

- (7) No sign off by Township officials shall occur until all issues with DEP and appropriate approvals or waivers, as the case may be, are received by and forwarded to the municipality.

- (8) Applicant shall pay its pro rata share of any improvements to Pennval Road along its frontage that may be deemed necessary by the Municipal Engineer.

- (9) Applicant shall submit a revised plan reflecting a modification of the location of the chassis storage in the area of the side slopes to the north per "B-2" of the T & M report.
- (10) Applicant shall professionally maintain, as a condition of approval, any and all landscaping, trees, shrubs etc, outlined in its landscape plan, which obligation shall be a continuing one and failure to do so is a violation of the approval granted by the Board.

- (11) The approval herein is predicated on the plans submitted to the Board by the applicant. Any and all changes must be approved by the appropriate municipal official. Variations from these plans without the appropriate approval from the municipality may subject the applicant to fines and/or penalties or other sanctions as permitted by law.

(12) Minor Site Plan approval is hereby granted subject to the applicant submitting reproducible, cost estimates, testing and inspection fee deposits, and providing performance and maintenance guarantees in accordance with the requirements of the Land Use and Development Ordinance of the Township of Woodbridge.

(13) The general terms and conditions, whether conditional or otherwise, upon which Minor Site Plan approval is granted, shall not be changed for a period of two (2) years after the date of approval, provided that the approved Minor Site Plan shall have been duly submitted as provided in the preceding paragraph.

(14) The general terms and conditions, whether conditional or otherwise, upon which use and bulk variance approval is granted, shall not be changed for a period of two (2) years after the date of approval, provided that the applicant has complied with all stipulations and conditions of this approval.

(15) Prior to the issuance of a building permit, verification shall be obtained by the Township that all outstanding taxes and/or assessments are current. Further, applicant shall be under a continuing obligation to maintain an escrow account in accordance with the requirements of Woodbridge Township in order to satisfy the applicant's financial obligation for continuing review of the development, inspection fees and such other costs as may be incurred by the Township during the development of the project.

(16) The applicant shall publish a brief notice of this determination in an official newspaper of the municipality within twenty (20) days of the date of mailing of a copy of this resolution to the applicant.

Minor Site Plan approval and use variance are hereby granted effective June 5, 2003, pursuant to a motion adopted by the Zoning Board of Adjustment of the Township of Woodbridge.

I hereby certify that the foregoing is an exact and true copy of the resolution adopted by the Zoning Board of Adjustment of the Township of Woodbridge at their regular public meeting held on October 2, 2003.

ADOPTED: OCTOBER 2, 2003

Arlene Volkay, Secretary
Zoning Board of Adjustment
Township of Woodbridge

Roll Call:
Mr. D'Arcio Yes
Mr. Ortman Yes
Mr. Menafro Yes
Mr. Nagy Yes
Mr. Neal Yes
Mr. Cornell Yes
Mr. Ligon Yes

673300

DIVISION OF BUILDING REGULATIONS
WOODBRIDGE, N. J.
INSPECTION REPORT
Agree. No. Permit No. 653 Date Oct. 8 1975

Type of Building		Demolition of Metal Bldg.		Heating Permit No.
& Appurtenances				Plumbing Permit No.
Estimate Cost				Cert of Occupancy
Location		Foot of Berry St.,		Building Completed
Woodbridge				
Block No.	531B	Lots	25/60 Zone M2	
Owner	Hondille Const. Materials, Inc.			
Owner's Address	10 Park Pl.,			
	Morristown, N. J.			
Builder	Hawk Industries, Demolishers			Tax Assessor's
Builder's Address	139 Lewis St., Eatontown			

673300

INSPECTION REPORT
CODE ENFORCEMENT AGENCY
WOODBIDGE, N. J.

VARIANCE
807

SUB DIVISION:

Agree. No. Permit No. 807 Date July 20, 1978 Fire Grade

Type of Building	DEMO OF ASPHALT PLANT	Use Group
Estimate Cost		Bldg. Dimensions
Location	Ft. of Berry Street, WOODBRIDGE	Occupancy Load
		Live Load
Block No. 531 B	Lots 100 Zone M 1	Temp. C. of O. <i>Close Air *</i>
Owner	<i>Haoudaille Const. Material</i>	Cert. of O. <i>4/3/79 Del</i>
Owner's Address	Ft. of Berry St. WOODBRIDGE	Resurvey

Builder	<i>Equip. Service Co.</i>
Builder's Address	<i>144 Baldwin Place, Bloomfield, N.J.</i>

LAW OFFICES OF
JAMES P. NOLAN
&
ASSOCIATES
A Limited Liability Company

James P. Nolan, Jr.
Certified Criminal Trial Attorney
Frederick L. Rubenstein
Eric L. Lange
Admitted in NJ & NY
Sanford Rader
Of Counsel

January 8, 2008

Robert Schiappacasse, Esq.
Archer and Griener
700 Alexander Park
Suite 102
Princeton, New Jersey 08540
Re: State vs. Spector et al
Dear Mr. Schiappacasse:

In connection with the above matter, I enclose for your review copies of municipal summonses that have been issued to your clients William Spector and Spector Woodbridge, LLC. As you will recall, the township reserved the right to reissue summonses in the event that all dirt stocked piled on your clients property in violation of their site plan approval was not removed. To date, the property is not in compliance. This matter was listed for court on December 31, 2007, but was not heard at that time. It appears that there is a court scheduling error and the attorneys for DC Trucking were not notified of the court date. There is also a question as to whether or not your client received notice of the December 31, 2007 court date as well. Therefore, the matter was adjourned and will be re-listed in the very near future.

Should you have any questions regarding this matter, please feel free to contact me at any time.

Very truly yours,

Eric L. Lange, Esq.

ELL/sv
Encl.

61 GREEN STREET, WOODBRIDGE, NJ 07095
PHONE: (732) 636-3344 FAX: (732) 636-1175

SUMMONS

SUMMONS

☒ COURT APPEARANCE REQUIRED
DATE: 12/21/07
Month: 12, Day: 21, Year: 2007
Time: 4:30 PM

YOU ARE HEREBY SUMMONED TO APPEAR
BEFORE THIS COURT TO ANSWER THIS COMPLAINT. IF YOU FAIL TO APPEAR ON
DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:
COURT USE ONLY
LAW ENFORCEMENT USE ONLY
The complainant wishes to file a law
enforcement case against the defendant
and is requesting the issuance of
process for the defendant's arrest.

CERTIFICATION: I certify that the foregoing statements made by me are true and correct to the best of my knowledge and belief.
I am subject to punishment for perjury if I make a false statement.
Signature of Complainant: [Signature]
Date: 12/17/07
Signature of Person Administering Oath: [Signature]
Date: [Date]

COMPLAINT
LOCATION: WOODBRIDGE
IN VIOLATION OF (one charge only):
170-99A
DESCRIPTION OF OFFENSE:
VIOLATION OF 170-99A
I, the complainant, have knowledge or information and believe the named defendant committed the following offense:
WOODBRIDGE, NJ
12/22/07

COMPLAINING WITNESS
Name: [Name]
Address: [Address]
City: [City]
State: [State]
County: [County]
MIDDLESEX

Defendant's Name (Last, First, Middle Initial)
[Name]
Address: [Address]
City: [City]
State: [State]
County: [County]
MIDDLESEX

Complaint
1225 B 8285
MUNICIPAL COURT
TOWNSHIP OF WOODBRIDGE
1 Main Street
Woodbridge, NJ 07095

STATE OF NEW JERSEY
MUNICIPAL COURT

1225 B 8234
TOWNSHIP OF WOODBRIDGE
Main Street
Woodbridge, NJ 07095

YOU ARE HEREBY SUMMONED TO APPEAR
BEFORE THIS COURT TO ANSWER THIS COMPLAINT. IF YOU FAIL TO APPEAR ON
DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR
COURT APPEARANCE REQUIRED ☒
DATE: 8/13/07
TIME: 4:00 PM

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:
COURT USE ONLY
LAW ENFORCEMENT USE ONLY

SUMMONS
The complaining witness, a State of New Jersey resident, has advised the Court that the defendant, a State of New Jersey resident, has failed to appear for trial on the following complaint(s):
Complaint Number: 1079107
Complaint Description: VIOLATION OF ONE CHARGE ONLY
State Registration (or Name, Number): 150-154
Violation of (one charge only): VIOLATION OF ONE CHARGE ONLY
In violation of (one charge only): VIOLATION OF ONE CHARGE ONLY
State Registration (or Name, Number): 150-154
Violation of (one charge only): VIOLATION OF ONE CHARGE ONLY

COMPLAINT
I, the undersigned, being duly sworn, depose and say that the defendant, a State of New Jersey resident, has failed to appear for trial on the following complaint(s):
Complaint Number: 1079107
Complaint Description: VIOLATION OF ONE CHARGE ONLY
State Registration (or Name, Number): 150-154
Violation of (one charge only): VIOLATION OF ONE CHARGE ONLY
In violation of (one charge only): VIOLATION OF ONE CHARGE ONLY
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Violation of (one charge only): VIOLATION OF ONE CHARGE ONLY

NS:sik
Enclosures

NICHOLAS STEVENS

STARR, GERN, DAVISON & RUBIN, P.C.

Very truly yours,

1. the amended complaint which was filed by the court on April 9, 2007 in Middlesex County, Law Division; and
2. The transfer order filed by the court on April 3, 2007.

Enclosed for service are:

Dear Counsel:

Re: Briscoe Company, Inc. v. William Spector, et al.
Docket No. MID-L-3697-07

All Counsel per attached list
Via Regular Mail

April 27, 2007

Our File. 74092-003

EDWIN S. RUBIN
RONALD L. DAVISON
AMOS GERN*
IRA M. STARR*
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COUNSELLORS AT LAW

A PROFESSIONAL CORPORATION

STARR, GERN, DAVISON & RUBIN

BY:

APR 30 2007

RECEIVED

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OF COUNSEL
KENNETH E. BELLANI
DOMENIC D. TOTO*
* MEMBER NY & NJ BAR
* MEMBER NJ & DC BAR
* MEMBER NJ & CT BAR
* MEMBER NJ & PA BAR
* MEMBER NY BAR
† CERTIFIED BY THE
SUPREME COURT OF
NEW JERSEY AS A
CIVIL TRIAL ATTORNEY
N.J.C.R. 1:40
QUALIFIED MEDIATOR

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(973) 403-9200 (P)
(973) 226-0031 (F)
Attorneys for Plaintiffs

BRISCOE COMPANY, INC., a New
Jersey corporation, and PETER
CALAFATI,

Plaintiffs,

vs.

SPECTOR-WOODBRIDGE
COMPANY, LLC, D.C. TRUCKING,
INC., BLUE DOLPHIN, INC.,
AMERICAN EAGLE PALLET, JOHN
DOES 1-5, fictitious names, and DOE
CORPS. 1-4, fictitious names,

Defendants.

AMENDED COMPLAINT

Civil Action

DOCKET NO. MID-E-0033-07

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: MIDDLESEX
COUNTY

CIVIL
OFFICE
MIDDLESEX COUNTY

2007 APR -9 A 10:49

FILED & RECEIVED #2

Plaintiffs, BRISCOE COMPANY, INC. ("BRISCOE"), with a principal place of business located in Wickatunk, New Jersey, and PETER CALAFATI, by way of Complaint against defendants, says:

PARTIES

1. BRISCOE is the owner of the property known as Block 540-G, Lot 10 consisting of approximately 2 acres of land on Pennval Road, Woodbridge, Middlesex County, New Jersey, with a warehouse building of approximately 26,500 square feet ("Building") (collectively known as the "Property"). CALAFATI is a shareholder in BRISCOE.

2. Plaintiff and defendant BLUE DOLPHIN, INC. ("Blue Dolphin") executed a written Lease Agreement, dated May, 1999 ("Lease").

3. Pursuant to the Lease, BLUE DOLPHIN took possession of a portion of the Property on or about June 1, 1999, and remained in possession until mid-May 2005, when it vacated after Briscoe filed an action for dispossession.

4. During the course of the Lease, defendant AMERICAN EAGLE PALLET ("American Eagle") agreed to be bound by the terms of the Briscoe-Blue Dolphin Lease ("Lease"), took possession as a co-tenant of all or some of the Property that American Eagle possessed, and remained in possession until mid-May 2005, when it vacated as a result of Briscoe's action for dispossession.

5. Defendant SPECTOR-WOODBRIDGE COMPANY, LLC ("SWLLC"), with an agent's address c/o Gerald Marks, Esq., 63 Riverside Avenue, Red Bank, New Jersey, the "Owner," is the or an owner of property directly behind and around Briscoe's Property.

6. Upon information and belief, defendant D.C. TRUCKING, INC. is an entity with a principal place of business at 20 Madison Avenue, Avenel, New Jersey, that leases SWLLC's above property and engages in business thereon.

7. Defendants JOHN DOES 1-5, fictitious names, and DOE CORPS. 1-4, fictitious names, are individuals and entities that may own property or engage in activity that renders them liable for the conditions on the Briscoe Property that have caused and are causing Briscoe to be issued summonses and to otherwise be damaged.

FIRST COUNT

8. Briscoe sued Blue Dolphin and American Eagle for damages caused by their breaches of the Lease, Docket Number MID-L-3874-05, which was resolved by Settlement Agreement.
9. The Settlement Agreement required Blue Dolphin and American Eagle to, among other things, clean up its portion of the Property and secure the building thereon.
10. Blue Dolphin and American Eagle breached those obligations and, after demands by Briscoe, failed to cure.
11. Subsequently, the Township of Woodbridge ("Woodbridge") issued summonses to Calafati, although Briscoe is the Property owner, several of which allege violations of ordinances governing the cleanliness of the Property and an obligation to secure the building. Woodbridge has also required that the Property comply with a site plan submitted by Blue Dolphin, and approved by Woodbridge, during its tenancy.
12. Briscoe renewed its demand to Blue Dolphin and American Eagle to fulfill their obligations under the Settlement Agreement and to pay all fines resulting from their failure to do so and failure to keep the Property in compliance with law.
13. To date, Woodbridge continues to assert that the Property remains in violation and continues to prosecute Calafati.
14. Pursuant to the Lease, Settlement Agreement, and common law primary liability, Blue Dolphin and American Eagle are responsible and liable for clean up of the Property and securing the building thereon, complying with its site plan, and for paying all fines, costs, and other amounts that may be adjudged against Calafati and/or Briscoe resulting from the summonses, and are liable for all other resulting damages.

15. Injunctive relief is necessary as the Property must be cleaned up and secured and Briscoe and Calafati cannot be adequately compensated by damages alone.

WHEREFORE, plaintiffs demand judgment against Blue Dolphin and American Eagle, jointly and severally, (1) compelling them to perform their obligations, inter alia, to clean up and secure the Property and comply with its site plan, pursuant to the Lease, Settlement Agreement, and common law, (2) to pay all fines, costs, and other amounts that may be adjudged against Calafati and/or Briscoe resulting from the summonses, and (3) awarding damages, including but not limited to lost profits, interest, attorney's fees incurred in the Woodbridge matter, as well for (4) costs and attorney's fees in this action, and all other relief that this Court finds equitable and just.

SECOND COUNT

16. Plaintiffs repeat the above paragraphs.

17. D.C. Trucking is engaging in the storage of dirt on the Owner's property adjacent to the Briscoe Property, which activity has resulted in mounds of dirt three stories high, surrounding, and encroaching and trespassing extensively onto the Briscoe Property.

18. Woodbridge has issued summonses to SWLLC's owner, William Spector ("Spector"), alleging that such activity violates certain ordinances and the site plan for that property.

19. Woodbridge also has issued summonses to Calafati, asserting that he has violated certain ordinances as a result of the dirt from the Owner's property coming on to Briscoe's Property. Neither Calafati nor Briscoe engages in direct activity on the Property, including the transportation and storage of dirt.

20. Spector and D.C. Trucking failed to appear for a conference with Woodbridge on January 25, 2007, arranged in an effort to address the encroachment and the resulting summonses.

21. The encroachment and trespass by SWLLC and D.C. Trucking have also, among other things, significantly reduced the size of useable space on the Briscoe Property, prevented Briscoe from curing other alleged ongoing violations due to the dirt covering and burying the surface area, rendered Briscoe's Property incapable of draining properly, and rendered it unleaseable and unuseable.

22. To date, Woodbridge continues to assert that the Property remains in violation and continues to prosecute Calafati.

23. SWLLC and D.C. Trucking are responsible and liable for removing its dirt and debris from the Briscoe Property, taking steps necessary to prevent further encroachment and trespass, and for paying all fines, costs, and other amounts that may be adjudged against Calafati and/or Briscoe resulting from the summonses, and are liable for all other resulting damages.

24. Injunctive relief is necessary as the Property must be cleaned up and secured and Briscoe and Calafati cannot be adequately compensated by damages alone.

WHEREFORE, plaintiffs demand judgment against SWLLC and D.C. Trucking, jointly

and severally, (1) compelling them to cease encroaching and trespassing onto Briscoe's Property, (2) to remove all dirt and debris resulting from their ongoing encroachment, (3) to prevent further encroachment and trespass, (4) to pay all fines, costs, and other amounts that may be adjudged against Calafati and/or Briscoe resulting from the summonses, and (5) awarding damages, including but not limited to lost profits, interest, attorney's fees incurred in the Woodbridge matter, as well for (6) costs and attorney's fees in this action, and all other relief that this Court finds equitable and just.

DESIGNATION OF TRIAL COUNSEL

Plaintiffs designate Nicholas Stevens, Esq. as trial counsel.

STARR, GERN, DAVISON & RUBIN, P.C.
Attorneys for plaintiffs

By: _____

NICHOLAS STEVENS

DATED: April 5, 2007

R. 4:5-1 CERTIFICATION

To my knowledge:

1) The matter is controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding, *but for* the Woodbridge Township summonses identified in this pleading, over which this Court has no present jurisdiction;

2) No other action or arbitration proceeding is contemplated; and

3) There are no other parties known who should be joined in this action; NOTE that G.E.

Modular is also a tenant of Briscoe whose conduct resulted in unrelated summonses concerning a different portion of the Briscoe Property; however, G.E. Modular has answered for the ordinance violations for which it was potentially responsible, has paid all resulting fines, and will submit a proposed amended or new site plan; as a result, plaintiffs do not believe there is a ripe controversy with G.E. Modular at this time.

I certify that the foregoing statement made by me is true. I am aware that if the foregoing

statement made by me is false, I am subject to punishment.

NICHOLAS STEVENS

DATED: April 5, 2007



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Your Shipment Details:

Ship to:

Middlesex County
Courthouse
Clerk, Chancery Division
1 JFK Square
New Brunswick, NJ 08903
US
000000000000

From:

Sharon Kraemer
Starr Gern Davison & Rubin
105 Eisenhower Parkway
Roseland, NJ 07068
US
9734039200

Tracking no:
Your reference:
Ship date:
Service type:

792963170237
Briscoe #74092-003
Apr 05 2007
Standard Overnight

Package type:
Pickup/Drop Off:
Weight:
Dimensions:
Declared value:
Shipper account number:
Bill transportation to:
Courtesy rate quote*:
Discounted variable %
Special services:
Shipment Purpose:
Shipment type:

FedEx Envelope
give to scheduled courier at my local
1 LBS
0 x 0 x 0 in
0 USD
103144540
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Express

Please note

*The courtesy rate shown here may be different than the actual charges for your shipment. Differences may occur based on actual weight calculated.
FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelimitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict Consult the applicable FedEx Service Guide for details.

P O BOX 2633

1 JFK SQUARE

NEW BRUNSWICK NJ 08903

COURT TELEPHONE NO. (732) 981-3301

COURT HOURS

TRACK ASSIGNMENT NOTICE

DATE: APRIL 16, 2007

RE: BRISCOE COMPANY INC VS SPECTOR WILLIAM

DOCKET: MID L -003697 07

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON JAMIE D. HAPPAS

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002 AT: (732) 981-3306.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.

ATTENTION:

ATT: NICHOLAS STEVENS
STARR GERN DAVISON & RUBIN
103 EISENHOWER PARKWAY
ROSELAND NJ 07068

JURRA1

HONORABLE TRAVIS L. FRANCIS, JSC
MIDDLESEX COUNTY COURT HOUSE
POST OFFICE BOX 964
NEW BRUNSWICK, NEW JERSEY 08903-0964

JUDGE TRAVIS L. FRANCIS

APR 3 2007

FILED

BRISCOE COMPANY, INC. and : SUPERIOR COURT OF NEW JERSEY

Plaintiff,

MIDDLESEX COUNTY VICINAGE :
CHANCERY DIVISION :

v.

WILLIAM SPECTOR, LWS CORP. :
D.C. TRUCKING, INC. BLUE :
DOLPHIN, INC. AMERICAN EAGLE :
PALLET, SPECTOR-WOODBRIDGE :
COMPANY, LLC; et al

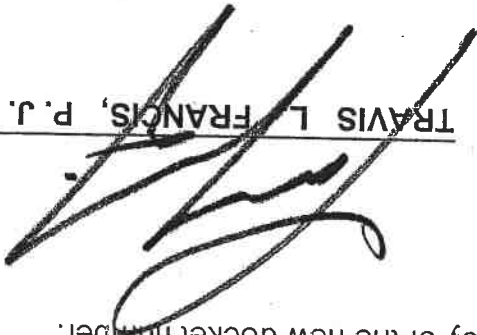
Defendants.

TRANSFER ORDER

This matter having come before the Court by way of the Plaintiffs
complaint, and the Court having resolved all equitable issues, the Court has determined
that the remaining claims of defendant involve non-Chancery issues; and

IT IS ORDERED on this third day of April, 2007, that the within case be
and hereby is transferred to the Law Division for further handling and adjudication. The
Clerk is directed to advise the plaintiff's attorney of the new docket number.

TRAVIS L. FRANCIS, P. J. Ch.



STAR, GERN, DAVISON & RUBIN

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW

105 EISENHOWER PARKWAY

ROSELAND, NEW JERSEY 07068-1050

TEL (973) 403-9200

FAX (973) 226-0031

WWW.STARGERN.COM

nstevens@starrgern.com

COUNSEL TO THE FIRM

LARRY M. COLE

OF COUNSEL

DOMENIC D. TOTO*

MEMBER NY & NJ BAR

MEMBER NJ & DC BAR

MEMBER NJ & CT BAR

MEMBER NJ & PA BAR

MEMBER NY BAR

† CERTIFIED BY THE

SUPREME COURT OF

NEW JERSEY AS A

CIVIL TRIAL ATTORNEY

N.J.C.R. 1:40

QUALIFIED MEDIATOR

Our File, 74092-003

EDWIN S. RUBIN
RONALD L. DAVISON
AMOS GERN*†
IRA M. STARR*
JONATHAN J. LERNER**
HARLAN L. COHEN*
NICHOLAS STEVENS*
JEFFREY A. RIZIKA
STEPHEN R. URBINATO*
JOHN J. RATKOWITZ
ALLAN R. MORDKOFF*
KELLIANNE E. GREENWOOD**
JAMES A. MESZAROS
ROBERT L. PITKORSKY*
JEFFREY E. GRABELLE
RICHARD T. WEICHER*
ANGELA CERVELLI BENNETT

Via Federal Express

Honorable Travis L. Francis, P.J.Ch.
Middlesex County Courthouse
1 JFK Square
New Brunswick, New Jersey 08903

Re:

Briscoe Company, Inc. v. William Spector, et al.
Docket No. MID-C-0033-07

Dear Judge Francis:

Plaintiffs respectfully submit this letter reply brief in further support of their application on order to show cause ("OSC"), returnable on April 3, 2007. As more specifically set forth in the OSC, plaintiffs seek to compel the adjacent property owner and operator thereon to cease encroaching upon Briscoe's property and to remove the tons of dirt that already has encroached upon that property. The encroachment has resulted in plaintiff Calafati being cited for code violations by Woodbridge Township for which ongoing fines of up to \$1000/day may be accruing, has prevented Briscoe's former tenant from maintaining and repairing the property, and has interfered with Briscoe's ability to make further commercial use of the property. Only defendants Spector and LWS served opposition papers by the due date of March 20, 2007. I just received a responding certification from Thomas Giordano of D.C. Trucking.

D.C. Trucking Admits the Material Allegations, Justifying Temporary Restraints.

As to D.C. Trucking's certification, D.C. admits that it is storing dirt on the property

adjacent to Briscoe's Property, that it has been cited by Woodbridge for doing so, and that it has removed dirt from Briscoe's property when it has been "pointed out." D.C.'s reference to the debris summonses to Briscoe is relevant only because the dirt has made it difficult for Briscoe's tenant to remove the debris as it has been buried and the removal equipment often gets stuck in the mud created by the dirt flowing from D.C.'s activities. (See, Verified Complaint ¶ 19.)

Thus, the D.C. certification proves that temporary injunctive relief is justified and necessary.

Moreover, no harm will come to D.C. as a result of compelling it to do what it should be doing in the first place. In contrast, the encroaching dirt continues to interfere with Briscoe's ability to maintain the property and prevents Briscoe from re-leasing or otherwise using that portion of the property.

Spector-Woodbridge, LLC Should Be Bound By the Temporary Restraints.

As for the Spector/LS opposition, the primary defense is that neither defendant is the correct property owner. If so, they have no standing to assert defenses based on the merits and they should, thus, be rejected by the Court.

Even if the Court were to consider the single argument on the merits, that the *status quo* should not be disturbed, that argument should be rejected because the status is not "*quo*,"

because the dirt continues to encroach further onto the property and because the present status is

the very reason this application has become necessary - it is causing ongoing violations of Briscoe's property rights and allegedly of the Woodbridge codes at issue in the municipal court. (See also, Giordano Cert., ¶ 8, admitting that dirt is encroaching onto Briscoe's Property.) Plaintiffs also submit that Spector-Woodbridge Company, LLC ("SWLLC"), and categorically the owner of and operator on the adjacent property, should be bound by any restraints that may be entered on the return date. See *Horizon Center v. Felicissimo*, 317 N.J. Super. 521, 525-527 (App. Div. 1999). In *Horizon Center*, the Appellate Division expanded an injunction to enjoin unnamed parties where the unnamed parties had notice of its substance and its contents and the expansion served the purpose of the injunction, to protect Horizon from trespass and related conduct that interfered with its business. *Id.*

Those principals apply in this action. Notably, the correct owner appears to be an LLC owned by defendant William Spector, who has been served with the papers and has filed an answer. (See answer, R. 4:5-1 certification.) As Spector's answer has informed plaintiffs and the court that SWLLC is the owner of the property from which the dirt is encroaching, the amendment is necessary. Also, through the service of the OSC and the answer, the owner of SWLLC is clearly on notice of the substance and contents of the injunctive relief is being sought against the property owner. The restraints sought are sought to protect plaintiffs from ongoing trespass and its interference with its business. Thus, it is necessary and proper to amend the complaint and the application so that the property owner is bound by it. This also will make it unlikely that an unnamed party issue will arise later, and even if it does, the unnamed party is

readily identifiable as the correct property owner. This situation was anticipated by the inclusion of fictitious defendant names, one of which can be replaced by SWLLC.

To this end, plaintiffs submit herewith a proposed amended complaint, and a proposed order for temporary restraints, to include Spector-Woodbridge Company, LLC ("SWLLC"), and, otherwise, the owner of and operator on the adjacent property.

Conclusion

For the above reasons, plaintiffs respectfully request that the application for temporary restraints be granted and that the restraints include SWLLC and, otherwise, the owner of and operator on the adjacent property.

Respectfully submitted,

STARB, GERB, DAVISON & RUBIN, P.C.

NICHOLAS STEVENS

Encls.

c: James D. Young, Esq. (via Federal Express)
c: Eric L. Lange, Esq. (via Federal Express)
c: Spencer B. Robbins, Esq. (via Federal Express)
c: John Metzger, Esq. (via Federal Express)

STAR, GERN, DAVISON & RUBIN, P.C.
Attorneys At Law
105 Eisenhower Parkway
Roseland, NJ 07068-1050
(973) 403-9200 (P)
(973) 226-0031 (F)
Attorneys for Plaintiffs

BRISCOE COMPANY, INC., a New
Jersey corporation, and PETER
CALAFATI,
Plaintiffs,

DOCKET NO. MID-C-0033-07

Civil Action

AMENDED COMPLAINT

WILLIAM SPECTOR, LWS
CORPORATION, D.C. TRUCKING,
INC., BLUE DOLPHIN, INC.,
AMERICAN EAGLE PALLET,
SPECTOR-WOODBRIDGE
COMPANY, LLC, JOHN DOES 1-5,
fictional names, and DOE CORPS. 1-4,
fictional names,

Defendants.

Plaintiffs, BRISCOE COMPANY, INC. ("BRISCOE"), with a principal place of business located in Wickatunk, New Jersey, and PETER CALAFATI, by way of Complaint against defendants, says:

PARTIES

1. BRISCOE is the owner of the property known as Block 540-G, Lot 10 consisting of approximately 2 acres of land on Pennval Road, Woodbridge, Middlesex County, New Jersey, with a warehouse building of approximately 26,500 square feet ("Building") (collectively known as the "Property"). CALAFATI is a shareholder in BRISCOE.

2. Plaintiff and defendant BLUE DOLPHIN, INC. ("Blue Dolphin") executed a written Lease Agreement, dated May, 1999 ("Lease").

3. Pursuant to the Lease, BLUE DOLPHIN took possession of a portion of the Property on or about June 1, 1999, and remained in possession until mid-May 2005, when it vacated after Briscoe filed an action for dispossession.

4. During the course of the Lease, defendant AMERICAN EAGLE PALLET ("American Eagle") agreed to be bound by the terms of the Briscoe-Blue Dolphin Lease ("Lease"), took possession as a co-tenant of all or some of the Property that American Eagle possessed, and remained in possession until mid-May 2005, when it vacated as a result of Briscoe's action for dispossession.

5. Defendants WILLIAM SPECTOR and/or LWS CORPORATION ("LWS"), with an address c/o LWS Corp., P.O. Box 29, Perth Amboy, New Jersey, and/or SPECTOR-WOODBRIDGE COMPANY, LLC ("SWLTC"), with an agent's address c/o Gerald Marks, Esq., 63 Riverside Avenue, Red Bank, New Jersey, collectively the "Owner," is the or an owner of property directly behind and around Briscoe's Property.

6. Upon information and belief, defendant D.C. TRUCKING, INC. is an entity with a principal place of business at 20 Madison Avenue, Avenel, New Jersey, that leases Spector's and/or LWS's above property and engages in business thereon.

7. Defendants JOHN DOES 1-5, fictitious names, and DOE CORPS. 1-4, fictitious names, are individuals and entities that may own property or engage in activity that renders them liable for the conditions on the Briscoe Property that have caused and are causing Briscoe to be issued summonses and to otherwise be damaged.

FIRST COUNT

8. Briscoe sued Blue Dolphin and American Eagle for damages caused by their breaches of the Lease, Docket Number MID-L-3874-05, which was resolved by Settlement Agreement.
9. The Settlement Agreement required Blue Dolphin and American Eagle to, among other things, clean up its portion of the Property and secure the building thereon.
10. Blue Dolphin and American Eagle breached those obligations and, after demands by Briscoe, failed to cure.
11. Subsequently, the Township of Woodbridge ("Woodbridge") issued summonses to Calafati, although Briscoe is the Property owner, several of which allege violations of ordinances governing the cleanliness of the Property and an obligation to secure the building. (True copies of the relevant summonses are Exhibit A.) Woodbridge has also required that the Property comply with a site plan submitted by Blue Dolphin, and approved by Woodbridge, during its tenancy.
12. Briscoe renewed its demand to Blue Dolphin and American Eagle to fulfill their obligations under the Settlement Agreement and to pay all fines resulting from their failure to do so and failure to keep the Property in compliance with law.
13. To date, Woodbridge continues to assert that the Property remains in violation and continues to prosecute Calafati.
14. Pursuant to the Lease, Settlement Agreement, and common law primary liability, Blue Dolphin and American Eagle are responsible and liable for clean up of the Property and securing the building thereon, complying with its site plan, and for paying all fines, costs, and other amounts that

may be adjudged against Calafati and/or Briscoe resulting from the summonses, and are liable for all other resulting damages.

15. Injunctive relief is necessary as the Property must be cleaned up and secured and Briscoe and Calafati cannot be adequately compensated by damages alone.

WHEREFORE, plaintiffs demand judgment against Blue Dolphin and American Eagle, jointly and severally, (1) compelling them to perform their obligations, inter alia, to clean up and secure the Property and comply with its site plan, pursuant to the Lease, Settlement Agreement, and common law, (2) to pay all fines, costs, and other amounts that may be adjudged against Calafati and/or Briscoe resulting from the summonses, and (3) awarding damages, including but not limited to lost profits, interest, attorney's fees incurred in the Woodbridge matter, as well for (4) costs and attorney's fees in this action, and all other relief that this Court finds equitable and just.

SECOND COUNT

16. Plaintiffs repeat the above paragraphs.

17. D.C. Trucking is engaging in the storage of dirt on the Owner's property adjacent to the Briscoe Property, which activity has resulted in mounds of dirt three stories high, surrounding, and encroaching and trespassing extensively onto the Briscoe Property. (True copies of photographs produced by Woodbridge Township are **Exhibit B**.)

18. Woodbridge has issued summonses to Spector, alleging that such activity violates certain ordinances. (True copies of the relevant summonses are **Exhibit C**.)

19. Woodbridge also has issued summonses to Calafati, asserting that he has violated certain ordinances as a result of the dirt from the Owner's property coming on to Briscoe's Property.

(See Ex. A.) Neither Calafati nor Briscoe engages in direct activity on the Property, including the transportation and storage of dirt.

20. Spector and D.C. Trucking failed to appear for a conference with Woodbridge on January 25, 2007, arranged in an effort to address the encroachment and the resulting summonses. The encroachment and trespass by the Owners and D.C. Trucking have also, among other things, significantly reduced the size of useable space on the Briscoe Property, prevented Briscoe from curing other alleged ongoing violations due to the dirt covering and burying the surface area, rendered Briscoe's Property incapable of draining properly, and rendered it unleaseable and unuseable.

22. To date, Woodbridge continues to assert that the Property remains in violation and continues to prosecute Calafati.

23. The Owners and D.C. Trucking are responsible and liable for removing its dirt and debris from the Briscoe Property, taking steps necessary to prevent further encroachment and trespass, and for paying all fines, costs, and other amounts that may be adjudged against Calafati and/or Briscoe resulting from the summonses, and are liable for all other resulting damages.

24. Injunctive relief is necessary as the Property must be cleaned up and secured and Briscoe and Calafati cannot be adequately compensated by damages alone.

WHEREFORE, plaintiffs demand judgment against Spector, LWS, SWLLC, and D.C. Trucking, jointly and severally, (1) compelling them to cease encroaching and trespassing onto Briscoe's Property, (2) to remove all dirt and debris resulting from their ongoing encroachment, (3) to prevent further encroachment and trespass, (4) to pay all fines, costs, and other amounts that may be adjudged against Calafati and/or Briscoe resulting from the summonses, and (5) awarding

damages, including but not limited to lost profits, interest, attorney's fees incurred in the Woodbridge matter, as well for (6) costs and attorney's fees in this action, and all other relief that this Court finds equitable and just.

DESIGNATION OF TRIAL COUNSEL

Plaintiffs designate Nicholas Stevens, Esq. as trial counsel.

STAR, GERN, DAVISON & RUBIN, P.C.
Attorneys for plaintiffs

By: _____

NICHOLAS STEVENS

DATED: March 26, 2007

R. 4:5-1 CERTIFICATION

To my knowledge:

- 1) The matter is controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding, *but for* the Woodbridge Township summonses identified in this pleading, over which this Court has no present jurisdiction;

- 2) No other action or arbitration proceeding is contemplated; and

- 3) There are no other parties known who should be joined in this action; NOTE that G.E.

Modular is also a tenant of Briscoe whose conduct has resulted in unrelated summonses concerning a different portion of the Briscoe Property; however, G.E. Modular has answered for the ordinance violations for which it was potentially responsible, will pay all resulting fines, and will submit a proposed amended or new site plan; as a result, plaintiffs do not believe there is a ripe controversy with G.E. Modular at this time.

I certify that the foregoing statement made by me is true. I am aware that if the foregoing statement made by me is false, I am subject to punishment.

NICHOLAS STEVENS

DATED: March 26, 2007

STARR, GERB, DAVISON & RUBIN, P.C.
Attorneys At Law
105 Eisenhower Parkway
Roseland, NJ 07068-1050
(973) 403-9200 (P)
(973) 226-0031 (F)
Attorneys for Plaintiffs

BRISCOE COMPANY, INC., a New
Jersey corporation, and PETER
CALAFATI,

Plaintiffs,

vs.

WILLIAM SPECTOR, LWS
CORPORATION, D.C. TRUCKING,
INC., BLUE DOLPHIN, INC.,
AMERICAN EAGLE PALLET,
SPECTOR-WOODBRIDGE
COMPANY, LLC JOHN DOES 1-5,
fictitious names, and DOE CORPS. 1-4,
fictitious names,

Defendants.

Civil Action
ORDER FOR PRELIMINARY INJUNCTION
PURSUANT TO RULE 4:52 AND FOR
LEAVE TO AMEND THE COMPLAINT

DOCKET NO. MID-C-0033-07

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: MIDDLESEX
COUNTY

THIS MATTER being brought before the Court by Starr, Gern, Davison & Rubin, P.C.,
attorneys for plaintiffs, BRISCOE COMPANY, INC. and PETER CALAFATI, seeking relief by way
of preliminary injunction against defendants WILLIAM SPECTOR, LWS CORPORATION,
SPECTOR-WOODBRIDGE COMPANY, LLC, and D.C. TRUCKING, INC., and the Court having
considered the moving, opposition, and reply papers, having heard oral argument, and having found
good cause to be shown;

IT IS on this _____ day of _____, 2007, ORDERED:

1. that defendants WILLIAM SPECTOR, LWS CORPORATION, SPECTOR-WOODBRIDGE COMPANY, LLC and D.C. TRUCKING, INC., as well as any other person or entity that owns, possesses, or operates on the property adjacent to Briscoe's Property at or about Block 540-G, Lot 10, Pennvale Road, Woodbridge, Middlesex County, New Jersey, are preliminarily enjoined and compelled, as follows:

A. to cease encroaching and trespassing, such as by continuing to place or to cause dirt, debris, and all other materials from coming onto Briscoe's Property,

B. to remove all dirt and debris resulting from their ongoing encroachment from Briscoe's Property,

C. to take necessary steps to prevent further encroachment and trespass onto Briscoe's Property, and

D. _____;

2. that plaintiffs are granted leave to amend the complaint to add SPECTOR-WOODBRIDGE COMPANY, LLC as a defendant, within 10 days after receipt by plaintiffs' counsel of this order; SPECTOR-WOODBRIDGE COMPANY, LLC is hereby made a part of this action by inclusion in ¶ 1 of this order; and

3. A copy of this order shall be served upon all other counsel and parties of record within 5 dates after receipt by plaintiffs' counsel.

TRAVIS L. FRANCIS, P.J.Ch.

Opposed: _____

h. Clement

FYI

JUL 16 2004

Bradley Campbell
Commissioner

State of New Jersey
Department of Environmental Protection
Coastal & Land Use Compliance & Enforcement
Northern Section
P. O. Box 422
Trenton, New Jersey 08625-0422
Telephone: 609-292-1240 Fax: 609-633-6798

James E. McGreevey
Governor

Elaine M. Flynn, Middlesex County Clerk
P. O. Box 1110
New Brunswick, NJ 08903

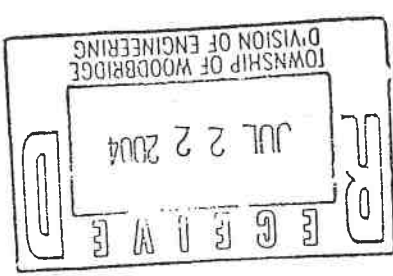
Re: Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.
and Rules, N.J.A.C. 7:7A-1 et seq.
Spector Woodbridge Co., LLC; DC Trucking Corp.; Tom Giordano; and,
Donna Giordano
File #1225-02-0020.1
Block 531B, Lot 100
Woodbridge Township, Middlesex County

Enclosed herewith, for recording on the deed of the above referenced property, is a Notice of Violation prepared pursuant to the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., specifically N.J.S.A. 13:9B-21g. That provision is set forth in the text of the enclosed Notice of Violation.

Also enclosed is a State of New Jersey Payment Voucher (Vendor Invoice) to cover the cost of recording. If additional information is required, please contact, Trent Todash, Case Manager of my staff at 609-292-1240.

Sincerely,

Paul J. Inverso
Paul J. Inverso for Scott Brubaker
Chief



Enclosures
c: Spector Woorbridge Co., LLC
DC Trucking Corp.
Tom & Donna Giordano
Mayor & Council, Woorbridge Township
Clerk's Office, Woorbridge Township
Bureau File
V...../PL/Deed Attachments/ SpectorDOC

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF VIOLATION

THIS NOTICE IS ISSUED BY ORDER OF THE COMMISSIONER OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OR HIS DESIGNEE PURSUANT TO THE FRESHWATER WETLANDS PROTECTION ACT, N.J.S.A. 13:9B-1 ET SEQ., SPECIFICALLY N.J.S.A. 13:B-21G, WHICH PROVIDES AS FOLLOWS:

In addition to the penalties prescribed in this section, a Notice of Violation of this act shall be recorded on the deed of the property wherein the violation occurred, on order of the Commissioner, by the clerk or register of deeds and mortgages of the county wherein the affected property is located and with the clerk of the Superior Court and shall remain attached thereto until such time as the violation has been remedied and the Commissioner orders the Notice of Violation removed.

THEFORE TAKE NOTICE THAT:

On July 30, 2002, The Department of Environmental Protection, Bureau of Coastal & Land Use Compliance & Enforcement issued a Notice of Violation.

On August 18, 2003, The Department of Environmental Protection, Bureau of Coastal & Land Use Compliance & Enforcement issued a 2nd Notice of Violation.

On May 17, 2004, The Department of Environmental Protection, Bureau of Coastal & Land Use Compliance & Enforcement issued an Administrative Order and Notice of Civil Administrative Penalty Assessment.

IN THE MATTER OF:

Spector Woodbridge Co., LLC
DC Trucking Corporation
Tom Giordano
Donna Giordano

for violations of the New Jersey Freshwater Wetlands Protection Act, N.J.S.A. 13:B-1 et seq.

The premises affected by the aforementioned violation, are described as:

Lot No. 100, within Block No. 531B, as designated on the tax map of The Township of Woodbridge, Middlesex County, New Jersey, book no. 4971, page no. 229

A copy of the aforementioned documents are enclosed with this NOTICE and are also available for review between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday at the offices of the Bureau of Coastal and Land Use Compliance and Enforcement - Northern Regions, located at 401 East State Street, 4th Floor, Trenton, New Jersey 08625. Interested persons should call the Northern Region office at 609-292-1240.

This Notice shall remain in effect until the violation has been removed.

Bradley Campbell, Commissioner

By:

Paul J. Inverso for

Scott Brubaker

Chief, Coastal and Land Use Compliance and

Enforcement

(Duly delegated pursuant to N.J.S.A. 13:1B-4)

STATE OF NEW JERSEY

COUNTY OF MERCER

On July 13, 2004, before me, the subscriber, an Attorney at Law of the State of New Jersey, appeared Paul J. Inverso, who I am satisfied is the person named in and who executed the within instrument and thereupon acknowledged that he signed, sealed and delivered the same as his act and deed for the purposes therein expressed.

MICHAEL P. MAROTTA

ATTORNEY AT LAW

OF THE STATE OF NEW JERSEY

FILE COPY



State of New Jersey

Department of Environmental Protection

Coastal and Land Use Compliance and Enforcement

Northern Section

PO Box 422

Trenton, New Jersey 08625-0422

Telephone: 609-292-1240 Fax: 609-633-6798

MAY 17 2004

James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

Dear Respondents:

Enclosed for service upon you is an Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA) issued by the Department. Contained within the enclosed document is a notice and instructions for requesting an Administrative Hearing. Failure to request a hearing within 20 days as per the instructions will result in loss of your right to a hearing.

If you have any questions concerning the enclosed document, you may contact Case Manager, Trent Todash of my staff at (609) 292-1240 or by letter at the above address.

Sincerely,

Scott Brubaker, Chief

Bureau of Coastal and Land Use
Compliance and Enforcement

Chris Jones, Land Use Regulation Program, NJDEP
Larry Clement, Zoning Official, Woodbridge Township
John Jennings, Freehold Soil Conservation District



State of New Jersey
Department of Environmental Protection

James E. McGreevey
Governor

Coastal and Land Use Compliance and Enforcement
Northern Section
PO Box 422
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Telephone: (609) 292-1240 Fax: (609) 633-6798

Bradley M. Campbell
Commissioner

ADMINISTRATIVE ORDER
AND
NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT

IN THE MATTER OF
SPECTOR WOODBRIDGE CO. LLC
and
DC TRUCKING CORPORATION, and
TOM GIORDANO, and
DONNA GIORDANO
Individually

EA ID # PEA040001 - 1225-02-0020.1

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter AONOCAPA) is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter NJDEP or the Department) by N.J.S.A. 13:1D-1 et seq., the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq. (the "Act"), and the Waterfront Development Law, N.J.S.A. 12:5-3 and 12:5-6, and duly delegated to the Assistant Commissioner of Land Use Management and Compliance and her assignees pursuant to N.J.S.A.13:1B-4.

FINDINGS

1. SPECTOR WOODBRIDGE CO LLC, 156 2nd Street, Perth Amboy, NJ 08861 owns the site located at Berry Street, Block(s) and Lot(s) [531B, 100], Woodbridge Township, Middlesex County, New Jersey (ID# 1225-02-0020.1). One of this site's lessors is DC TRUCKING CORPORATION that is owned and operated by TOM GIORDANO and DONNA GIORDANO, 20 Madison Avenue, Woodbridge, NJ 07001-1419. DC TRUCKING, TOM GIORDANO and DONNA GIORDANO are responsible for the stockpiling of fill material measuring approximately 5 acres x 75' high within 500' of the mean high water line, and within a State regulated freshwater wetland and freshwater wetland transition area. Hereinafter, SPECTOR WOODBRIDGE CO, LLC, DC TRUCKING CORPORATION, TOM GIORDANO, and DONNA GIORDANO individually, and DONNA GIORDANO individually are referred to as "RESPONDENTS" and this action is issued to each Respondent jointly and severally.

2. As the result of a compliance evaluation(s) conducted on July 2, 2002, May 28, 2003, and

March 10, 2004, the Department has determined that the RESPONDENTS failed to comply with applicable requirements as follows:

Requirement: Pursuant to N.J.A.C. 7:7A-2.6(a), the removal, excavation or disturbance of the soil; dumping or filling with any material; erection of structures; placement of pavements; destruction of plant life which would alter the existing pattern of vegetation; and placement of any portion of a residential development project as defined at N.J.A.C. 7:7A-1.4 within a freshwater wetland transition area are regulated activities which require prior permit approval from the Department. [N.J.A.C. 7:7A-2.6(a)]

Description of Noncompliance: the performance of unauthorized regulated activities within a freshwater wetland transition area. More specifically, the regulated activities involve the placement of fill material measuring approximately 61,248 square feet and the destruction of native vegetation.

Requirement: Pursuant to N.J.A.C. 7:7A-2.2(a), the following activities are regulated when performed in a freshwater wetland and State open waters and require prior permit approval from the Department: the removal, excavation, disturbance or dredging of soil, sand, gravel, or aggregate material of any kind; the drainage or disturbance of the water level or surface water, regardless of the duration of such alteration; the dumping, discharging, or filling with any material; the driving of pilings; the placing of obstructions, including depositing, constructing, installing or otherwise situating any obstacle which will affect the values or functions of a freshwater wetland; or the destruction of plant life which would alter the character of a freshwater wetlands, including killing vegetation by applying herbicides or by other means, the physical removal of wetland vegetation, and/or the cutting of trees; and the placement of any portion of a residential development project as defined at N.J.A.C. 7:7A-1.4. [N.J.A.C. 7:7A-2.2(a)]

Description of Noncompliance: the performance of unauthorized regulated activities within a freshwater wetland. More specifically, the regulated activities involve the placement of fill material measuring approximately 61,248 square feet and the destruction of native vegetation.

Requirement: Pursuant to N.J.A.C. 7:7-2.3(c)4, a permit is required for any regulated activity undertaken within the upland waterfront area described therein. [N.J.A.C. 7:7-2.3(c)4]

Description of Noncompliance: the performance of unauthorized regulated activities within an upland waterfront area. More specifically, the activities involve the placement of approximately 5 acres of fill material up to 75 feet high within 500' of the mean high water line.

3. By letter dated July 30, 2002, the Department issued a Notice of Violation (NOV) to the RESPONDENTS for violations of the Waterfront Development Act (N.J.S.A. 12:5-3 and 12:5-6 et seq.) and the regulations (N.J.A.C. 7:7-2.3 et seq.).
4. On August 13, 2002, the Department received a letter from AJV Engineering Inc. (consultant) confirming that the RESPONDENTS had received the NOV dated July 30, 2002. The letter stated that the RESPONDENTS wished to offer a restoration plan, which includes ceasing any further fill material being placed on the property, and to begin the removal of all fill material down to its pre-disturbed condition. The letter also stated that due to size of the fill material, it was estimated to take approximately 6 months to complete the removal with an estimated due date of February 15, 2003.

5. On September 3, 2002, the Department received a letter dated August 27, 2002 from AJV Engineering Inc. that stated that the stockpile on the above listed property covers an area of approximately three acres. The proposed restoration plan was to remove all three acres of stockpile and return the property to pre-stockpile grade within a six-month time frame. It was further understood that no additional material was to be brought onto this property. The letter also indicated that the restoration did not prevent the owner from making an application with the NJDEP for a Waterfront Development Permit for the use of this property in the future.

6. By letter dated 24, 2002, the Department issued a response to the proposed restoration plan to AJV Engineering Inc. stating the following:
- a. Once all fill material has been removed from the site, down to natural grade, all disturbed areas shall be stabilized with annual rye grass and straw mulch.
 - b. Based upon the time schedule proposed, the Bureau will grant the Respondents until no later than April 15, 2003 for the completion of the restoration work.
 - c. The Bureau must be notified at least 48 hours prior to commencement of the restoration work and at least 48 hours after the restoration work has been completed.

7. On May 28, 2003, a representative of the Department conducted a follow-up site inspection to determine if the restoration plan had been implemented and completed as stated by the RESPONDENTS in the August 27, 2002 letter. The site inspection revealed that no restoration work had taken place, but actually additional fill material had been placed on the above listed

property.

8. By letter dated August 18, 2003, the Department issued a second NOV to the RESPONDENTS which referenced the May 28, 2003, site inspection. The NOV advised the RESPONDENTS that the regulated activities undertaken on the site remain outstanding and require compliance.
9. On September 17, 2003, the Department received a letter from AJV Engineering Inc. responding to the second NOV. The letter stated that the RESPONDENTS would prepare an application for a Waterfront Development Permit and estimated that the Land Use Regulation Program (LURP) would receive the permit application by October 10, 2003.

10. By letter dated December 15, 2003, AJV Engineering Inc. forwarded to the Department a copy of the biannual renewal form for the Freehold Soil Conservation District, and a copy of the Waterfront Development Permit application dated December 8, 2003.

11. By letter dated December 30, 2003, the NJDEP Land Use Regulation Program responded to the Waterfront Development Permit application with a Deficiency Letter, which requests numerous issues to be addressed.

12. On March 10, 2004, a representative of the Bureau of Coastal and Land Use Compliance and Enforcement conducted a follow-up site inspection to determine if any fill material placed within a State regulated area had been removed. The fill material has not been removed, but instead a large amount of additional fill material has been placed in the State regulated area. Numerous dump trucks were observed entering the property and depositing fill thereon and exiting the property.

13. Based on the facts set forth in these FINDINGS, the Department has determined that the RESPONDENTS have violated the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B, and the Waterfront Development Act, N.J.S.A. 12:5-3 et seq., and the regulations promulgated pursuant thereto specifically, N.J.A.C. 7:7A-2.2(a) and 2.6(a) and N.J.A.C. 7:7-2.3(c)4 respectively.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

14. The RESPONDENTS must comply with the following:

- a. Within 10 days of receipt of this document, the RESPONDENTS must submit a plan to remove all fill material placed within the State regulated Waterfront Development area and restore the site to its pre-disturbed condition. [N.J.S.A. 12:5]

b. Within 10 days of receipt of this document, the RESPONDENTS must submit a restoration plan to remove all fill material from the State regulated freshwater wetland area and freshwater wetland transition area and restore the site to its pre-disturbed condition. [N.J.A.C. 7:7A-2.2 and 2.6]

15. Respondents must immediately upon receipt of this Order cease and desist from bringing any additional materials of any kind and depositing them on areas of Department jurisdiction at the site.

16. Should the Department determine that any portion of the restoration proposal submitted is inadequate or incomplete, the Department shall provide the RESPONDENTS with written comments on the restoration proposal. Within 10 calendar days of the Department's comments on the restoration proposal, the RESPONDENTS shall conform to the Department's comments and submit the revised restoration plan to the Department. The determination as to whether or not the permit application submitted and/or revised restoration proposal as resubmitted conforms to the Department's comments, shall be made solely by the Department.

17. Within 5 calendar days after receipt of the Department's final approval of the restoration proposal, the RESPONDENTS must commence the implementation of the final approved restoration plan in accordance with the approved schedule and must complete the project within the approved scheduled time period. THE RESPONDENTS are required to contact the Bureau of Coastal and Land Use Compliance and Enforcement at least 48 hours prior to commencement of the work approved in the restoration plan and within 48 hours of completion of the restoration work.

18. All fill material, and any waste material generated by the restoration work must be disposed of pursuant to applicable regulations including, but not limited to the Solid Waste Management Act, N.J.S.A. 13:1E-9, the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq. (the "Act"), and the Waterfront Development Act, N.J.S.A. 12:5-3 outside of any State regulated freshwater wetland, freshwater wetland transition area, and waterfront development area.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT AND NOTICE OF RIGHT TO A HEARING

19. Pursuant to N.J.S.A. 13:9B-21 and N.J.A.C. 7:7A-17.2 et seq., and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against the Respondents in the amount of \$31,000.00. The Department's rationale for the civil administrative penalty is set forth in the attachment, and incorporated herein.

20. Pursuant to N.J.A.C. 7:7A-16.12, the Department may, in addition to any other civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with, the requirements of the Act.

21. Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 13:9B-21(b), the RESPONDENTS are entitled to request a hearing. The Respondents shall, in its request for a hearing, complete and submit the enclosed ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this ORDER.

22. If no request for a hearing is received within twenty (20) calendar days from receipt of this AONOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable.

23. If a timely request for a hearing is received, payment of the penalty is due when the RESPONDENTS receives a notice of the denial of the request, or, if the hearing request is granted, when the RESPONDENTS withdraws the request or abandons the hearing, or, if the hearing is conducted, when the RESPONDENTS receives a final decision from the Commissioner in this matter.

24. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

25. This AONOCAPA is binding on the RESPONDENTS, their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.

26. No obligations imposed by this AONOCAPA are intended to constitute a debt, which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.

27. This AONOCAPA is issued only for the violation(s) identified in the FINDINGS herein above and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.

28. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve the RESPONDENTS of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.

29. Pursuant to N.J.A.C. 7:7A-15.6, any person who violates the provisions of the Act, or any code,

rule regulation or order promulgated or issued pursuant thereto, or who fails to pay a civil administrative penalty in full, shall be subject, upon order of the court, to a civil penalty not to exceed \$10,000 per day. Each day during which the violation continues constitutes an additional, separate and distinct offense.

30. Pursuant to N.J.S.A.13:9B-21(f), any person who willingly or negligently violates the provisions of the Act, or any code, rule, regulation, administrative order or court order, promulgated or issued pursuant thereto, is guilty of a crime of the fourth degree.

31. This Order shall not be construed to contradict or conflict with other Orders issued by the Department in regards to this situation.

DATE: 5/17/04

Marcedius Jamieson, Administrator,
Pesticide Control and Coastal
and Land Use Enforcement

Administrative Hearing Request Checklist
and Tracking Form

I. Document Being Appealed: EA ID # PEA040001 - 1225-02-0020.1

II. Person Requesting Hearing: _____
Date Document Issued _____

_____ Name/Company	_____ Name of Attorney (if applicable)
_____ Address	_____ Address
_____ Telephone #	_____ Telephone #

III. Please Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document _____
B. A copy of the Enforcement Document and a list of all issues being appealed.
C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
D. The defenses to each of the findings of fact in the enforcement document;
E. Information supporting the request;
F. An estimate of the time required for the hearing;
G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

- I. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 E. State Street, P.O. Box 402
Trenton, New Jersey 08625
2. Barbara Baus, Supervisor
Coastal and Land Use Compliance and Enforcement
PO Box 422
Trenton, NJ 08625-0422

IV. Signature: _____

Date: _____

In The Matter Of: Spector Woodbridge, DC Trucking, Tom Giordano, and Donna Giordano Individually

File #1225-02-0020.1

In accordance with the Waterfront Development Statute N.J.S.A. 12:5-3 et seq., the Commissioner of the New Jersey Department of Environmental Protection (NJDEP) is authorized to assess an administrative penalty of not more than \$1,000 for each violation of the Statute, and is authorized to assess additional penalties of not more than \$100 for each day during which this violation continues after receipt of an administrative order.

Each separate structure being constructed or dredging occurring without the benefit of the necessary occupational instrument and/or permit can be considered a separate violation and as such can be assessed a separate penalty.

On July 2, 2002, May 28, 2003, and March 22, 2004, inspections were conducted by personnel from the NJDEP, Bureau of Coastal & Land Use Compliance and Enforcement, revealed that Respondents did violate the Waterfront Development Statute by placing large amounts of fill material within the waterfront area as defined in New Jersey Administrative Code (N.J.A.C.) 7:7-2.3(a) pursuant to paragraphs above.

The following matrix is employed to determine each penalty under the Waterfront Development Statute and Rule pursuant to N.J.A.C. 7:7-8.8:

C					
O					
N	MAJOR	\$1,000	\$900	\$750	
D					
U	Moderate	\$900	\$700	\$500	
C					
T	MINOR	\$750	\$500	\$250	

Seriousness of the violation is assessed as follows:

MINOR:

4 or fewer pilings

MODERATE:

docks 100 square feet or less, breakwaters 40 linear feet or less, or other similar structures

MAJOR:

all other structures or activities: or those violations defined as minor or moderate which have a permanent adverse effect on a special area as defined in NJAC 7:7E-3

Conduct of the violator is assessed as follows:

MAJOR:

any intentional, deliberate, purposeful, knowing or willful act or omission by the violator

MODERATE:

any unintentional but foreseeable act or omission by the violator

MINOR:

any other conduct not included as major or moderate

Based upon the above matrix, the Department has determined the conduct to be MAJOR and the seriousness of the violation to be MAJOR. Given this determination and the following penalty adjustment factors: The Respondents, after being issued 2 separate Notices of Violations (NOV) dated July 30, 2002 and August 18, 2003, continued to place fill material within a State regulated Waterfront Development Area. Therefore, a penalty is being assessed in the amount of \$1,000.00.

FRESHWATER WETLAND PROTECTION ACT PENALTY ASSESSMENT RATIONALE

"The Legislature of New Jersey has found and declared that freshwater wetlands protect and preserve drinking water supplies by serving to purify surface water and groundwater resources; that freshwater wetlands provide a natural means of flood and storm damage protection, and thereby prevent the loss of life and property through the absorption and storage of water during high runoff periods and the reduction of flood crests; that freshwater wetlands serve as a transition zone between dry land and water courses, thereby retarding soil erosion; that freshwater wetlands provide essential breeding, spawning, nesting, and wintering habitats for a major portion of the State's fish and wildlife, including migrating birds, endangered species, and commercially and recreationally important wildlife; and that freshwater wetlands maintain a critical baseflow to surface waters through the gradual release of stored flood waters and groundwater, particularly during drought periods."

"The Legislature therefore determines that in this State, where pressures for commercial and residential development define the pace and pattern of land use, it is in the public interest to establish a program for the systematic review of activities in and around freshwater wetland areas designed to provide predictability in the protection of freshwater wetlands; that it shall be the policy of the State to preserve the purity and integrity of freshwater wetlands from random, unnecessary or undesirable alteration or disturbance"

The Superior Court, Appellate Court of New Jersey has stated that:

"Consequently, the DEP's role in enforcing its regulations under the RWPA and CAFRA is daunting. It must be diligent in preventing the yard-by-yard destruction of environmentally sensitive land. "{L} and itself is a diminishing resource. . . and environmentally-sensitive land is all the more precious. Hence, a proposed development that may constitute only a small insult to the environment does not lessen the need to avoid such an offense." Gardner, supra, 125 N.J. at 208. Thus, the State's strong interest in protecting wetlands and preserving coastal areas must be fundamental"

By conducting the activities described in the findings of this Order such as extensively filling an area containing regulated land types prior to seeking the Department's review and approval via the required permitting process, the Respondents have deprived the Department of their mandated role in the protection of sensitive and diminishing land types such as the freshwater wetland areas that exist on this property.

Inspections and investigation, as detailed in the FINDINGS of the AONOCAPA, have revealed that unauthorized regulated activities had occurred within freshwater wetlands. The violations involve the placement of fill material within wetlands and transition areas on the site.

Penalty Calculation for Activities Conducted within a State Regulated Freshwater Wetland and Freshwater Wetland Transition Area:

Bureau File # 1225-02-0020.1

Block 531B, Lot 100 - Woodbridge Township - Middlesex County

PENALTY CALCULATIONS

1. Quality of freshwater wetland (resource value):
(Ordinary) (Intermediate) (Exceptional)
1 pt. 2 pt. 3 pt.